AIIM SCANNER TEST CHART #2

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BUNCOMBE COUNTY

CITY OF ASHEVILLE

CITY COUNCIL

ORDINANCES

MINUTES

DCR-DAH-ARS-RSB
Form IU-T4

THE FOLLOWING RECORDS ARE FILMED IN THE ORDER IN WHICH THEY WERE RECEIVED

BUNCOMBE COUNTY

CITY OF ASHEVILLE

CITY COUNCIL

ORDINANCES

MINUTES

VOLUME: 31

(NOVEMBER 8, 2016 – JANUARY 23, 2018)

(PAGES: INDEX - 459)

(ORDINANCES No: O-2016-4531 – O-2018-4648)

NC DEPARTMENT OF
NATURAL AND CULTURAL RESOURCES

GOVERNMENT RECORDS SECTION
RECORDS ANALYSIS UNIT

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ANALYST'S REPORT OF RECORDS RECEIVED FOR FILMING

Analyst: Josh Hager
Date: February 11, 2022

Name of the county or municipality, or other public body:

City of Asheville

Name of the board, council, department, or agency:

City Council

Volume and page numbers included:

Books 28-33

Exact dates of the records included:

10/23/2012 – 9/28/2021

Records are: ☐Minutes ☐Resolutions ☒Ordinances

Other: _____

Are these records in reverse order? No

The details above were compiled from: ☒Cover letters supplied by the originating office

☐Contact with the originating office

☒Examining the records

Person submitting the minutes for filming: Maggie Burleson

AXAEM ID: MIC-2022.02.0002 Number of pages: 2500

ORIGINALS or COPIES: ORIGINALS

Notes: Double-sided, letter-sized pages in original volumes

Department of Natural and Cultural Resources
Division of Archives and Records
Collections Services Section

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CITY OF ASHEVILLE, CITY COUNCIL, ORDINANCES MINUTES

The records begin with:

VOLUME: 31 DATE: NOVEMBER 8 2016 PAGE: 0-2016-4531

and end with:

VOLUME: _____ DATE: _____ PAGE: _____

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Scanning Resolution (dpi): 300

Number of pages scanned: _____

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Equipment Operator

A

ADA Transition Plan - Budget amendment from French Broad MPO for update to Ped & ADA Plans, 418
African American Heritage Commission - Budget amendment, 45
Airport Road - Portion removed from 45 mph, 422
Airport Road 352 - Public hearing for CZ for 12 Loop Rd, 352 Airport Rd and portion of 360 Airport Rd, 49
Airport Road, 390 - Public hearing for CZ for 390 Airport Rd, 439
Airport Road, 421 - Public hearing for voluntary annexation of 421 Airport Road, 244
Airport Road, 421 - Public hearing for zoning, 329
Airport Road, Portion of 360 - Public hearing for CZ for 12 Loop Rd, 352 Airport Rd and portion of 360 Airport Rd, 49
Alcohol - Sale of beverages before 10 on Sundays, 249
Annexation - Public hearing for voluntary annexation of 421 Airport Road, 244
Annexation - Public hearing to vol annex 12 Loop Road, 47
Asheland Avenue - Amdt to Height Zone Map, 39
Asheland Avenue - Public hearing to rezone multiple properties on Asheville Avenue and Southside, 36
Asheville Downtown Association - Budget amendment to accept grant funds from ADA forKeep America Beautiful, 344
Aston Park - Fees & Charges Manual amended for Aston Park Tennis Court fees, 84
Aston Street - Portion added to 20 mph, 422
Aston Street - Portion removed from 20 mph, 422
AT&T - Budget amendment contribution for 166 Reservoir Road, 71
AT&T - Budget amendment for 166 Reservoir Road, 155
Azalea Road - Portion of speed limit changed, 316
Azalea Road East - Portion of speed limit changed, 316

B

Banks Avenue - Budget amendment from Conabeer Ventures, 250
Beaumont Street - Portion added to 20 mph, 422
Beaumont Street, South - Portion removed from 20 mph, 422
Bent Creek - Rezoning 1568 Brevard Road, 388
Beverly Road - Portion added to 20 mph, 422
Beverly Road - Portion removed from 20 mph, 422
Beverly Road West - Portion of speed limit changed, 316
Bike Share Feasibility Study - Budget Amendment, 157
Bile Lanes - Parking prohibited in designated bike lanes, 177
Biltmore Avenue - Budget amdt for transportation study on Biltmore, McDowell and Broadway, 420
Bond - Budget amendment for bond implementation and establish new Capital Projects Dept, 140
Bonds - Budget amendment for Montford Park Complex Bond Project, 294
Braeside Circle - Removed from 20 mph state highway system, 422
Brevard Road, 1568 - Public hearing to rezone 1568 Brevard Road, 388
Brevard Road, 655 - Public hearing to rezone 655 Brevard Road, 433
Broadway - Budget amdt for transportation study on Biltmore, McDowell and Broadway, 420
Broadway - Public hearing for rezoning at Broadway and Magnolia, 204
Budget - Adoption of FY 17-18 Annual Operating Budget, 230
Budget Amdt - RAD Lofts stormwater agrmt along Roberts St, 5
Budget Amendmen t- Preschool Planning Collaborative, 43
Budget Amendment - 14 Riverside Drive, 200
Budget Amendment - 166 Reservoir Road Tower Replacement, 155
Budget Amendment - Accept funds from Montford Neighborhood Assn for 2 bus shelters, 27
Budget Amendment - Accept grant funds from ADA forKeep America Beautiful, 344
Budget Amendment - Accept Tourism Development Authority grant, 175
Budget Amendment - African American Heritage Commission support by City and County, 45
Budget Amendment - Agrmt with MHG Tower for paving on College St, 256
Budget Amendment - Appropriate funding for prior year contracts and purchase orders that roll over, 396
Budget Amendment - AT&T contribution for 166 Reservoir Road, 71
Budget Amendment - Bike Share Feasibility Study, 157
Budget Amendment - Bond implementation and establish new Capital Projects Dept, 140
Budget Amendment - Civic Center Parking Deck, 240
Budget Amendment - Civic Center updated financials, 171
Budget Amendment - DWI Task Force, 1
Budget Amendment - FEMA grant for party rock fire reimbursement, 226
Budget Amendment - Fire Engine 6 replacement, 179
Budget Amendment - For Community Waste Reduction and Recycling Grant, 190
Budget Amendment - for Plug in electric charging station from Duke Energy Carolinas, 64
Budget Amendment - For TIGER VI RADTIP projects, 242
Budget Amendment - For transportation study on Biltmore, McDowell and Broadway, 420
Budget Amendment - French Broad MPO for update to Ped & ADA Plans, 418
Budget Amendment - From Friends of WNC Nature Center for impvts to entrance, 7
Budget Amendment - From US Dept of Homeland Security for fire prevention and safety programs, 34
Budget Amendment - Gap Analysis for Tree Program, 267
Budget Amendment - Harvest House & Sr Opportunity Center funding, 145

Budget Amendment - Healthy Out of School Time Grant, 254
Budget Amendment - High Intensity Drug Traffic Area Grant, 73, 400
Budget Amendment - HVAC at US Cellular Center, 25
Budget Amendment - Hybrid bus cameras and security cameras, 386
Budget Amendment - I-26 Connector design services, 318
Budget Amendment - Insurance recovery funds for new bus, 342
Budget Amendment - Insurance recovery of funds for bus, 75
Budget Amendment - Job Access & Reserve Commute Projects from FTA, 416
Budget Amendment - McCormick Field Project, 202
Budget Amendment - Montford Park Complex Bond Project, 294
Budget Amendment - NC Dept of Public Safety for haz materials, 169
Budget Amendment - NC Governor's Highway Safety grant funding for regional liaison, 355
Budget Amendment - NC Governor's Highway Safety Program for DWI Task Force, 357
Budget Amendment - NCDOT impvts on Fairview Road, 238
Budget Amendment - NEA Area 3 Water Distribution Systems Phase I, 77
Budget Amendment - Operating transit system, 252
Budget Amendment - Paving Contract 2, 292
Budget Amendment - Paving on Banks and Collier from Conabeer Ventures, 250
Budget Amendment - PEG funding, 66
Budget Amendment - Police Regional Liaison, 3
Budget Amendment - Pritchard Park improvements, 143
Budget Amendment - Procure five battery-electric transit buses, 402
Budget Amendment - Raiparian landscaping plan for RADTIP, 228
Budget Amendment - Retaining wall between Skyview Pl and Sunset Dr, 404
Budget Amendment - Roll-overs to FY 2016-17, 23
Budget Amendment - Section 5310, 337
Budget Amendment - Stoner Road Quite Zone, 167
Budget Amendment - Swannanoa River Greenway Corridor Study, 198
Budget Amendment - TDA RADTIP funds, 458
Budget Amendment - To replace contract staffing in Public Works Dept, 173
Budget Amendment - Transit Master Plan, 152
Budget Amendment - Tunnel Rd Retaining Wall Proj, 82
Budget Amendment - US Dept of Justice for Ballistic Vest Partnership Grant, 398
Budget Amendment - Water installations for community gardens, 320
Buncombe County - Public hearing for CZ for County waste transfer station at 190 Hominy Creek Road, 192
Bus Cameras - Budget Amendment for hybrid bus cameras and security cameras, 386

Capital Projects Department - Budget amendment for bond implementation and establish new Capital Projects Dept, 140
Carter Cove Road - Portion of speed limit changed, 316
Charlotte Street, 236 - Public hearing for CZ for 236 Charlotte and 336 Hillside Street, 159
Charter Amendment - Provide 6 district elections, 282
Civic Center - Budget amendment on updated financials, 171
Civic Center Parking Deck - Budget amendment, 240
Clarendon Road - Speed limit changes, 89
College Street - Agrmt with MHG Tower for paving, 256
Collier Avenue - Budget amendment from Conabeer Ventures, 250
Columbine Road - Portion added to 25 mph, 422
Combine Road - Removed from 25 mph, 422
Community Waste Reduction and Recycling Grant - Budget amendment, 190
Conabeer Ventures - Budget amendment for paving on Banks and Collier, 250
Conditional Zoning - Public hearing for 1093 Tunnel Road and 3 Oteen Park Place, 452
Conditional Zoning - Public hearing for 12 Miami Circle, 359
Conditional Zoning - Public hearing for 175 Lyman for Stoneyard Apts, 364
Conditional Zoning - Public hearing for 3, 10, 12, 18 and 99999 Tried Street, 322
Conditional zoning - Public hearing for 49 Tunnel Road, 296
Conditional Zoning - Public hearing for amdt to CZ for 146 Roberts Street for RAD Lofts, 58
Conditional Zoning - Public hearing for amdt to CZ for 50 Wilbar Avenue at Lee Walker Heights, 181
Conditional Zoning - Public hearing for CZ 95 Roberts St, 346
Conditional Zoning - Public hearing for CZ amdt to 146 Roberts St, 269
Conditional Zoning - Public hearing for CZ for 12 Loop Rd, 352 Airport Rd and portion of 360 Airport Rd, 49
Conditional Zoning - Public hearing for CZ for 1500 Tunnel Road, 284
Conditional Zoning - Public hearing for CZ for 153 Smoky Park Hwy, 426
Conditional Zoning - Public hearing for CZ for 236 Charlotte and 336 Hillside Street, 159
Conditional Zoning - Public hearing for CZ for 28 Forsythe Street, 245
Conditional Zoning - Public hearing for CZ for 39 Gerber Rd, 258
Conditional Zoning - Public hearing for CZ for 390 Airport Rd, 439
Conditional Zoning - Public hearing for CZ for County waste transfer station at 190 Hominy Creek Road, 192
Conditional Zoning - Typo Amdt to conditional zoning ord for 99999 Fairview Road, 207
Congress Street - Speed limit changes, 89
Cottage Development Standards - Public hearing for UDO amdt to cottage dev standards, 187

C

Davidson Drive - Portion added to 20 mph, 422
Davidson Street - Portion removed from 20 mph, 422
Deaver Street, 99999 - Public hearing to rezone 99999 Deaver St, 436
Delaware Avenue - Portion of speed limit changed, 316
Depot Street - Speed limit changes, 89
District Elections - Calling for special referendum for 6 districts, 282
District Elections - Provide 6 district elections, 282
Downtown - Public hearing for UDO amdt for temporary gravel lots in CBD, 327
Downtown Commission - Membership amendment, 154
Duke Energy Carolinas - Budget amendment to accept grant for plug-in electric charging station at Rankin Avenue Parking Garage, 64
Duke Water Resources Fund - Budget amendment for raiparian landscaping plan for RADTIP, 228
DWI Task Force - Budget amendment, 1
DWI Task Force - Budget amendment from NC Governor's Highway Safety Program for DWI Task Force, 357

D

Edgewood Road - Portion removed from 25 mph, 422
Enka Crescent Street - Portion of speed limit changed, 316
Enka Oak Street - Portion of speed limit changed, 316
Enka Orchard Street - Portion of speed limit changed, 316
Enka Pine Street - Portion of speed limit changed, 316

E

Faircrest Road - Speed limit changes, 89
Fairview Road - Budget Amdt for NCDOT for impvts on Fairview Road, 238
Fairview Road - Portion removed from 25 mph, 422
Fairview Road, 99999 - Typo amdt to earlier adopted conditional zoning, 207
Federal Alley - Portion removed from 10 mph, 422
Federal Alley - Portion removed from 10 mph speed limit, 422
Federal Transit Administration - Budget amendment for Job Access & Reserve Commute Projects from FTA, 416
Fees & Charges - Adopted for FY 17-18, 147
Fees & Charges Manual - Amdt to Water Resources Department Section, 14
Fees & Charges Manual - Amended for Aston Park Tennis Court fees, 84
Fees & Charges Manual - Amendments adopted with Budget Ordinance, 230
Fees & Charges Manual - Parking meter fee increase, 87
FEMA - Budget Amendment for FEMA grant for party rock fire reimbursement, 226
Fire Department - Budget amendment from US Dept of Homeland Security for fire prevention and safety programs, 34
Fire Engine - Budget amendment for Fire Engine 6 replacement, 179
Forsythe Street, 28 - Public hearing for CZ for 28 Forsythe Street, 245
Franchise - 1st reading with Here to There Adventures for pedal bike taxi svs, 332
Franchise Agrmt - With Slidr for low speed vehicle service, 29
French Broad MPO - Budget amendment for update to Ped & ADA Plans, 418
Friends of WNC Nature Center - Budget amendment for impvts to entrance, 7

F

Gardens - Budget Amendment for water installations for community gardens, 320
Gerber Road, 39 - Public hearing for CZ for 39 Gerber Rd, 258
Gravel Lots - Public hearing for UDO amdt for temporary gravel lots in CBD, 327

G

Harvest House - Budget Amendment, 145
Haywood Road - Public hearing to rezone section of Haywood Rd within Haywood Rd Form Code, 393
Haywood Road Form Code - Public hearing for Haywood Rd Form Code to add new HR7, 391
Healthy Out of School Time Grant - Budget amendment, 254
Here to There Adventures - First reading for pedal bike taxi svs, 332
High Intensity Drug Traffic Area Grant - Budget Amendment, 400
Hillside Street, 336 - Public hearing for CZ for 236 Charlotte and 336 Hillside Street, 159
Hominy Creek Road, 190 - Public hearing for CZ for County waste transfer station at 190 Hominy Creek Road, 192

H

I-26 Connector - Budget amendment for design consulting, 318
Insurance - Budget amendment for ins recovery funds for new bus, 342

I

Keep America Beautiful - Budget amendment to accept grant funds from ADA forKeep America Beautiful, 344

J

K

Le-An-Hurst Road - Speed limit changes, 89
Lee Walker Heights - Public hearing for amdt to CZ for 50 Wilbar Avenue at Lee Walker Heights, 181
Lodging Uses - Public hearing for UDO Amdt regarding lodging types, 406
London Road, Speed limit changes, 89
Loop Road, 12 - Public hearing for CZ for 12 Loop Rd, 352 Airport Rd and portion of 360 Airport Rd, 49
Loop Road, 12 - Public hearing to vol annex 12 Loop Road, 47
Lower Edgewood Road - Portion added to 25 mph, 422
Lyman Street, 175 - Public hearing for 175 Lyman for Stoneyard Apts, 364

L

Magnolia - Public hearing for rezoning at Broadway and Magnolia, 204
McCormick Field - Budget amendment, 202
McDowell Street - Budget amdt for transportation study on Biltmore, McDowell and Broadway, 420
Miami Circle, 12 - Public hearing for conditional zoning, 359
Montford Neighborhood Assn - Budget amendment from Montford Neighborhood Assn for 2 bus shelters, 27
Montford Park Complex - Budget amendment for Bond Project, 294

M

Nature Center - Budget amendment for impvts to entrance, 7
NC Dept of Health & Human Svs - Budget amendment for Harvest House and Sr Opp Center, 145
NC Dept of Public Safety - Budget amdt for haz materials, 169
NC Dept of Revenue - Budget amdt for PEG funding, 66
NC Governor's Highway Safety - Budget amendment for grant funding for regional liaison, 355
NC Governor's Highway Safety Program - Budget amendment from NC Governor's Highway Safety Program for DWI Task Force, 357

N

Old Fairview Road - Portion added to 25 mph, 422
Oteen Park Place, 3 - Public hearing for CZ for 1093 Tunnel Road and 3 Oteen Park Place, 452

O

Parking - Prohibited in designated bike lanes, 177
Parking Meters - Amdt to Fees & Charges Manual for increases, 87
Party Rock Fire - Budget Amendment for FEMA grant for party rock fire reimbursement, 226
Paving - Budget Amendment for Contract 2, 292
Pearlman Alley - Portion removed from 10 mph speed limit, 422
Pearson Bridge Road - Removed from 25 mph, 422
Pedal Bike Taxi Service - First reading of franchise with Here to There Adventures, 332
Pedestrian Plan - Budget amendment from French Broad MPO for update to Ped & ADA Plans, 418
Pine Acre Boulevard - Speed limit changes, 89
Police - High Intensity Drug Traffic Area grant budget amendment, 400
Police Regional Liaison - Budget amendment, 3
Preschool Planning Collaborative - Budget amendment, 43
Pritchard Park - Budget amendment for improvements, 143
Public Hearing - CZ amdt to 146 Roberts St, 269
Public Hearing - CZ for 1500 Tunnel Road, 284
Public Hearing - CZ for 236 Charlotte and 336 Hillside Street, 159
Public Hearing - CZ for 28 Forsythe Street, 245
Public Hearing - CZ for 39 Gerber Rd, 258
Public Hearing - For voluntary annexation of 421 Airport Road, 244
Public Hearing - Public hearing to vol annex 12 Loop Road, 47
Public hearing - Rezone properties in River Arts District Form Code area, 380
Public Hearing - Rezoning 671 Sand Hill Road, 339
Public Hearing - Rezoning at Broadway and Magnolia, 204
Public Hearing - Rezoning on Scottish Circle, 68
Public Hearing - UDO amdt regarding Level I, II and III projects, 91
Public Hearing - UDO amdt to Level II applications, 137
Public, Education and Governmental Access Channel - Budget amendment from NC Dept of Revenue, 66

P

RAD Lofts - Budget amdt for stormwater agrmt along Roberts St, 5
RAD Lofts - Public hearing for amdt to CZ for 146 Roberts Street for RAD Lofts, 58
RADTIP - Budget amendment for construction associated with TIGER VI, 242
RADTIP - Budget amendment for raiparian landscaping plan for RADTIP, 228
RADTIP - Budget amendment from TDA for RADTIP funds, 458
Reservoir Road, 166 - Budget amendment contribution for 166 Reservoir Road, 71
Reservoir Road, 166 - Budget amendment for 166 Reservoir Road, 155
Residential Development - Amdt to UDO for small scale residential development, 300
Rezoning - Public hearing for rezoning at Broadway and Magnolia, 204
Rezoning - Public hearing for rezoning on Scottish Circle, 68
Rezoning - Public hearing to rezone 1568 Brevard Road, 388
Rezoning - Public hearing to rezone 655 Brevard Road, 433
Rezoning - Public hearing to rezone 671 Sand Hill Road, 339
Rezoning - Public hearing to rezone 99999 Deaver St, 436
Rezoning - Public hearing to rezone multiple properties on Asheville Avenue and Southside, 36
Rezoning - Public hearing to rezone section of Haywood Rd within Haywood Rd Form Code, 393
River Arts District - Public hearing to rezone properties in River Arts District Form Code area, 380
River Arts District Form Code - UDO amdt to adopt, 378
Riverside Drive - Portion removed from 45 mph, 422
Riverside Drive, 14 - Budget Amendment, 200
Roberts Street - Speed limit changes, 89
Roberts Street, 146 - Public hearing for amdt to CZ for 146 Roberts Street for RAD Lofts, 58
Roberts Street, 146 - Public hearing for CZ amdt to 146 Roberts St, 269
Roberts Street, 95 - Public hearing for CZ 95 Roberts St, 346
Royal Pines Drive - Portion of speed limit changed, 316

Q

R

Sand Hill Road, 671 - Public hearing to rezone, 339
Scottish Circle - Public hearing for rezoning on Scottish Circle, 68
Second Street - Portion removed from 10 mph speed limit, 422
Section 5310 - Budget amendment, 337
Senior Opportunity Center - Budget Amendment, 145
Shelburne Road - Portion of speed limit changed, 316
Short Term Rentals - Public hearing for UDO Amdt regarding lodging types, 406
Skyview Place - Budget amendment for retaining wall between Skyview Pl and Sunset Dr, 404
Slidr LLC - Franchise agreement Slidr for low speed vehicle service, 29
Smoky Park Highway, 153 - Public hearing for CZ for 153 Smoky Park Hwy, 426
Southside Avenue - Public hearing to rezone multiple properties on Asheville Avenue and Southside, 36
Speed Limits - Changes to portions on Depot Street, Roberts Street, Clarendon Road, Congress Street, Faircrest Road, Le-An-Hurst Road, London Road, Pine Acre Boulevard, Roberts Street, Spooks Branch Road, and Sweeten Creek Industrial Parkway, 89
Speed Limits - Portions changed on Azalea Road, Azalea Road East, Beverly Road West, Carter Cove Road, Delaware Avenue, Enak Crescent Street, Enka Oak Street, Enka Orchard Street, Enka Pine Street, Royal Pines Drive, Shelburne Road, and West Summit Avenue, 316
Spooks Branch Road - Speed limit changes, 89
Spruce Street - Portion added to 20 mph, 422
Spruce Street - Portion removed from 20 mph, 422
St. Genevieve-Gibbons Hall - Portion removed from 25 mph, 422
St. Joan of Arc School - Portion removed from 25 mph, 422
Staffing - Budget amdt to replace contract staffing in Public Works Dept, 173
Stoner Road - Budget Amendment, 167
Stoneyard Apartments - Public hearing for 175 Lyman for Stoneyard Apts, 364
Sunset Drive - Budget amendment for retaining wall between Skyview Pl and Sunset Dr, 404
Swannanoa River Greenway Corridor Study - Budget Amendment, 198
Sweeten Creek Industrial Parkway - Speed limit changes, 89
Sycamore Drive - Portion added to 25 mph, 422
Sycamore Drive - Portion removed from 25 mph state highway system, 422
Sycamore Terrace - Portion added to 25 mph, 422
Sycamore Terrace - Portion removed from 25 mph state highway system, 422

S

TDA - Budget amendment for RADTIP funds, 458
TIGER VI - Budget amendment for RADTIP projects, 242
Traffic - Right turns allowed at Haywood St & Battery Park Ave, Liberty St & Fairview Rd and Patton Avenue and Church St, 425
Traffic - Right turns prohibited at Deaverview/Bear Creek Road N & Patton Ave & N & S French Broad Aves, 425
Transit - budget amendment for operating transit system, 252
Transit Buses - Budget amendment to procure five battery-electric transit buses, 402
Transit Master Plan - Budget Amendment, 152
Tree Program - Budget amendment for gap analysis, 267
Tried Street, 3, 10, 12, 18 and 99999 - Public hearing on conditional zoning, 322
Tunnel Road, 1093 - Public hearing for CZ for 1093 Tunnel Road and 3 Oteen Park Place, 452
Tunnel Road, 1500 - Public hearing for CZ for 1500 Tunnel Road, 284
Tunnel Road, 49 - Public hearing for conditional zoning, 296

UDO - Amdt for small scale residential development, 300
UDO - Amdt to Height Zone map for Asheland Avenue rezonings, 39
UDO - Public hearing for amdt to Level II applications, 137
UDO - Public hearing for Haywood Rd Form Code to add new HR7, 391
UDO - Public hearing for UDO amdt for temporary gravel lots in CBD, 327
UDO - Public hearing for UDO amdt regarding Level I, II and III projects, 91
UDO - Public hearing for UDO Amdt regarding lodging types, 406
UDO - Public hearing for UDO amdt to cottage dev standards, 187
UDO - Public hearing for UDO Amdt to lot size and density standards, 351
UDO - Public hearing to rezone multiple properties on Asheville Avenue and Southside, 36
UDO -Public hearing to adopt River Arts District Form Code, 378
UDO -Public hearing to rezone properites in River Arts District Form Code area, 378
University Heights - Portion removed from 20 mph, 422
US Cellular Center - HVAC budget amendment, 25
US Dept of Justice - Budget Amendment for Ballistic Vest Partnership Grant, 398

Water Policies - Amended, 9
Water Resources Department - Amdent to Fees & Charges Manual, 14
West Summit Avenue - Portion of speed limit changed, 316
Wilbar Avenue, 50 - Public hearing for amdt to CZ for 50 Wilbar Avenue at Lee Walker Heights, 181
Wilson Alley - Portion added to 10 mph, 422
Wilsons Alley - Portion removed from 10 mph speed limit, 422
Wolfe Cove Road - Removed from 30 mph, 422

Zoning - 421 Airport Road, 329

X

Y

Z

ORDINANCE NO. 4531

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 8th day of November, 2016.

Magdalen Bauleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

PURPOSE: DWI Task Force

Magdalen Bauleson
City Clerk

2

City of Asheville

Budget Amendment Details

1. Effective Date: Nov 8, 2016

2. Fiscal Year: 2016-17

3. Amendment to Operating ____ and/or Capital Project _X__ appropriation.

Police Dept
4. Requesting Department

5. Today's Date

6. Preparer's Name

7. Comments/Purpose: DWI Task Force Grant Continuation Year 4

8. Account Number	9. Beginning Budget	10. Unencumbered Balance	11. New Budget	12. Increase or Decrease By
			$0	
Revenue:			$0	
Restrictd Intergv Fed Grants				
22000122:435000:P1401				205,655.50
Oper Transfers from General Fd				
22090122:498100:P1401				133,676.00
In-Kind External Participation				
22000122:483000:P1401				71,979.5
Expenditures:				
Contra Salaries and Wages				
22000122:511999:P1401				267352.00
Awarded Grants				
22000122:527101:P1401				71,979.5
In-Kind Services - External				
22000122:521000:P1401				71,979.5
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	

13. Balance of Transaction: $0.00

14. Information below is to be completed by Budget office.

15. Audit & Budget Approval:

16. Date Posted:

By:

Sheet #:

This form is to be used to transfer funds from one line item to another in the same department.
The instructions for this form are in G:\Common\BAinstr.doc

ORDINANCE NO. 4532

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made a part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 8th day of November, 2016.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

PURPOSE: To appropriate North Carolina Governor's Highway Safety funds to cover the expenses of purchasing the necessary equipment and travel expenses.

Magdalen Burleson
City Clerk

4

CITY OF ASHEVILLE

BUDGET AMENDMENT

FISCAL YEAR	EFFECTIVE DATE
2016/17	11/8/2016

Amendment to	____ Operating Fund X Multi-Year Fund

Purpose	To accept awarded funds by the North Carolina Governor's Highway Safety Program and authorize the associated Special Revenue Fund in the amount of $20,000.

Requesting Department Police

Department Head Signature _____ Date _____

				Beginning Budget	New Budget	Increase or Decrease By
Fund	Grant Fund					
Revenue						
Acct #	22000000	000000	PXXXX		20,000.00	20,000.00
	Org	Obj	Project			
Fund	Grant Fund					
Expend.						
Acct #	22000000	000000	PXXXX		20,000.00	20,000.00
	Org	Obj	Project			
Fund						
Revenue						
Acct #	00000000	000000	A000			0.00
	Org	Obj	Project			
Fund						
Expend.						
Acct #	00000000	000000	A000			0.00
	Org	Obj	Project			

BALANCE 0.00

ORDINANCE NO. 4533

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 8th day of November, 2016.

Magdalen Bourleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

PURPOSE: Public/private partnership stormwater agreement with RAD Lofts, LLC

Magdalen Bourleson
City Clerk

6

CITY OF ASHEVILLE

BUDGET AMENDMENT

FISCAL YEAR	EFFECTIVE DATE
2016/17	11/8/2016

Amendment to	X Operating ____ Capital or Grant (Special Revenue)
Purpose	Public/Private Partnership Stormwater Agreement
Requesting Department	Public Works (Stormwater)

				Current Budget	New Budget	Increase or Decrease By
Fund	Stormwater Fund					
Revenue	Appropriated Fund Balance					
Acct #	62400320	499100	N/A	0.00	250,000.00	250,000.00
	Org	Obj	Project			
Fund	Stormwater Fund					
Expend.	Maintenance and Repairs					
Acct #	62400320	522001	N/A	600,000.00	850,000.00	250,000.00
	Org	Obj	Project			

BALANCE 0.00

ORDINANCE NO. 4534

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 13th day of December, 2016.

Magdalen Bourleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

PURPOSE: Budget amendment in the amount of $80,000.00 to budget additional funding for Asheville Wildlife Park Improvements.

Magdalen Bourleson
City Clerk

8

CITY OF ASHEVILLE

BUDGET AMENDMENT

FISCAL YEAR	EFFECTIVE DATE
2016/17	12/13/2016

Amendment to	___ Operating X Capital or Grant (Special Revenue)
Purpose	For construction of a new visitor reception and welcome plaza at Asheville Wildlife Park (WNC Nature Center)
Requesting Department	Parks, Recreation & Cultural Arts

				Beginning Budget	New Budget	Increase or Decrease By
Fund	General Capital Project Fund					
Revenue	Friends of the Nature Center					
Acct #	41008401	483302	R1605	627,000.00	707,000.00	80,000.00
	Org	Obj	Project			
Fund	General Capital Project Fund					
Revenue	Interim Credit Facility					
Acct #	41008401	494171	R1605	0.00	461,197.00	461,197.00
	Org	Obj	Project			
Fund	General Capital Project Fund					
Expend.	Contracted Services					
Acct #	41008401	521001	R1605	627,000.00	1,168,197.00	541,197.00
	Org	Obj	Project			
Fund	General Capital Project Fund					
Revenue	Interim Credit Facility					
Acct #	41000805	494171	R1701	600,000.00	138,803.00	(461,197.00)
	Org	Obj	Project			
Fund	General Capital Project Fund					
Expend.	Contracted Services					
Acct #	41000805	521001	R1701	600,000.00	138,803.00	(461,197.00)
	Org	Obj	Project			

BALANCE 0.00

ORDINANCE NO. 4535

ORDINANCE AUTHORIZING AMENDMENTS TO THE CITY OF ASHEVILLE DEPARTMENT OF WATER RESOURCES WATER POLICIES

WHEREAS, pursuant to N.C.G.S. §160A-312, the City of Asheville ("City") has authority to operate a public enterprise; and

WHEREAS, pursuant to N.C.G.S. §160A-312(b) the City may adopt rules to protect and regulate any public enterprise system belonging to or operated by it both within and outside the corporate limits of the City; and

WHEREAS, the City Council previously adopted the City of Asheville Department of Water Resources Water Policies ("Water Policies"); and

WHEREAS, the Water Policies must be amended to remain compliant with State law, for clarification purposes and more efficient administration;

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City of Asheville Department of Water Resources Water Policies be amended as set forth in the attached Exhibit A.

Read and approved this 13th day of December 2016.

Magdalen Bouleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bouleson
City Clerk

10

Exhibit A

b. If the City agrees in writing to reimburse the Applicant for all or a portion of the costs of the Additional Improvements, the Applicant shall comply with North Carolina law as it applies to public construction contracts.

4. Fire Protection: The City of Asheville assumes no obligation for the adequacy of public or private fire protection service. The Applicant shall cause fire hydrants to be installed in accordance with the Asheville Water Engineering Standard Specifications and Cross-Connection Control Policy. Fire hydrants shall be supplied by the Applicant at Applicant's own cost and shall meet the minimum design requirements of the Asheville Water Engineering Standard Specifications. Connections for private fire protection may be approved by the Director, provided said Connections include the appropriate type of backflow protection and detector meter installed by the Applicant at Applicant's own cost. The Director may direct any and all fire lines to be fully metered to track any consumption of water on the fire line. All fire protection systems shall comply with Section VI: Cross-Connection Control Policy.

5. ~~Pump Station / Control Valve Installation: A pump station / control valve station maintenance fee will be required for all new pumping station and control valve installations. The fee shall be calculated by the Director or his/her designee and shall be the sum of the following cost:~~

~~a. The base cost of the pumps (including the motor), pump control valve(s), SCADA, RTU panels, power generation system, electric panel, water meter, all associated plumbing and parts, and water tank, if applicable;~~

~~b. The present value of all utility costs for 20 years, including but not limited to electricity, telephone, and gas (natural, propane, or otherwise);~~

~~c. The present value of operation and maintenance costs for 20 years;~~

~~d. Present value costs shall use a minimum CPI (Consumer Price Index) of 3.0 percent annually for 20 years with a 4.0 percent discount rate to obtain the final pump station fee cost (rates subject to economic performance).~~

Formatted: Indent: Hanging: 1.5", Tab stops: 0.5", Left + 1", Left + 1.5", Left

C. Real Property Easements and Conveyances

1. Obtained by Applicant: Mains and Service Lines may only be installed in dedicated public streets or duly recorded rights-of-way satisfactory to the City of Asheville. The Applicant will be responsible for securing and recording any easements and/or encroachment agreements necessary for an Extension on forms provided by the Director.

D. Maintenance and Repair of Approved and Installed Connections:

1. Except as otherwise noted, the City of Asheville shall be responsible for the repair and maintenance of the Connection, Service Line, and Meter after installation for as long as water service to the Customer served by the Connection is not terminated as set forth in these Policies and is in active use. Single Family Residential water services shall be deemed inactive if the Water Supply to a Premises has zero consumption per month for any consecutive period of more than two (2) years. The City may cease maintenance and repair responsibility for the Connection and any Service Line to such Premises. If an Applicant applies for water service to a Premise after the City has ceased repair and maintenance responsibility for the Connection, and the Connection or any Service Line is not suitable to provide water service in the opinion of the Director, then the Applicant may be required to apply for a new Connection at the Applicant's expense. The minimum charge to activate an existing water service that is inactive shall be the cost of a drop in meter minus the ~~development fee~~ System Maintenance and Capital Fee as provided in Schedule I of these Policies. If a new tap is required, the Customer must pay the current full tap and meter fee minus the ~~development fee~~ System Maintenance and Capital Fee per Schedule I. For water services larger than 1-inch, these services shall be inspected by the Water Resources Department any time there is activity on the Premise requiring building/zoning permits from either the City of Asheville, Buncombe or Henderson County. Existing services that do not meet current City of Asheville Standards at that inspection shall be upgraded to current standards at the expense of the Applicant. Upgrades to current Standards will also include payment of ~~development fees~~ System Maintenance and Capital Fee for inactive accounts.

2. The owner of a Premises shall obtain written approval from the Director before performing grading, landscaping, construction of driveways, or other activities that may adversely affect a Connection or Service Line, including the meter box, or access thereto. Any and all costs and expenses to repair or gain access to any Connection or Service Line shall be paid by any and all persons whose activities or actions caused the need for repairs or revised access.

IV. EXTENSION POLICY

A. Application

1. No Extension shall be accepted without written approval of the Extension by the Director through a Letter of Commitment issued prior to any construction of the Extension. An Applicant for an Extension shall submit to the Director a written request for a Letter of Commitment signed by the Applicant and identifying the Customer by name and address. If

12

A. Initial Fees

1. Service Charge (Account Set-up Fee): A non-refundable service charge in the amount set forth in Schedule I shall be paid when a new water service account is opened for a Customer by the City. The City may open a new water service account whenever a new Customer applies for water services or an existing Customer applies for water services at a Premises other than the Premises where the Customer then receives water services. Payment of the service charge shall be made at the time a new account request is initially made, to defray the administrative costs in setting up the Customer's account.

2. Effective Period: An approved application for water service, validated only by payment of the application fee and/or service charge, is valid for only sixty (60) days after the date approval is issued. To validate the approval beyond sixty (60) days, the Applicant must begin using the water service, or must pay all connection fees and applicable ~~development fees~~ System Maintenance and Capital Fee for a new service line.

B. Fees for New Connections and Developments

1. New Connection Fee: A non-refundable fee in the amount set forth in Schedule I shall be paid for each new Connection to the Water System to defray the costs of the physical installation of the Connection. A Premises where a stub-out Connection in good repair and has been previously authorized by the City and installed under Section IV.B.9. of these Policies, the new Connection fee shall be a "Meter Drop-In" Fee as specified in Schedule I. For all other new Connections, the Connection Fee shall be as specified in Schedule I which shall include the cost to set and install the meter, meter box, meter yoke and setter, Service Line pipe, and service tap on the Water System.

2. ~~Development Fee: In addition to a new Connection fee, a non-refundable development fee in the amount set forth in Schedule I shall also be paid by a Customer for a new Connection. This fee is applied to assist toward defraying the costs associated with expansion of the Water System and water service. A development fee shall not be required if a new Connection is the same or smaller than an existing active Connection for the Premises which is in good repair.~~ System Maintenance and Capital Fee: A non-refundable System Maintenance and Capital Fee in the amount set forth in Schedule I, shall be paid by a Customer for a new Connection. This fee is used to contribute to the expenses incurred for the development and rehabilitation of water system assets, which are critical for the contemporaneous and current production and delivery of water, and provision of water services. Water system assets which are critical for the

contemporaneous and current production and delivery of water and provision of water services include, but are not limited to: transmission lines, production facilities, storage reservoirs, and distribution system pump stations. These fees will also be used, in combination with other appropriate sources of revenue, to pay debt service on bonds to fund water system asset projects, which assets are likewise critical for the contemporaneous and current production and delivery of water, and provision of water services. If an existing customer requires a new Connection only to replace an existing Connection, for which a System Maintenance and Capital Fee or equivalent fee was previously paid, and the subject property does not require a larger service Connection than the existing Connection, the System Maintenance and Capital Fee shall not be required.

C. Establishment of Fees

1. Annual Review: The fees and charges set forth in these Policies shall be approved by the City Council meeting in full session. The charges set forth herein shall be reviewed on an annual basis by the City.

2. Collection: The Director may enforce payment of an account by discontinuing water service to a Customer at any and all Premises of the Customer without regard to the occupancy of the Premises, regardless of whether service has been terminated. If an account remains unpaid for forty-five days from the date of the first billing, the Director on behalf of the City may institute appropriate legal proceedings to collect from a Customer any arrearage on the Customer's account.

IX. CUSTOMER SERVICES

A. Application For Service

1. General: Application for water service shall be made on forms prescribed by the Water Resources Director. An application for water service shall be made in the name of and signed by the Customer or the Customer's duly authorized agent. Existing or new accounts must be in the name of a living person or an existing business. Accounts shall not be established in the name of an estate. If a landlord has three (3) delinquent tenants, applications for service and the account must be in the name of the landlord.

2. Denial of Service for Non-Payment of Prior Accounts: The Director may reject an application for service if there is any outstanding amount due the City by an Applicant. An Applicant shall not be refused service solely because an outstanding amount is owed the City by another Customer for

14

ORDINANCE NO. 4536

ORDINANCE AMENDING THE CITY OF ASHEVILLE FEES AND CHARGES MANUAL - WATER RESOURCES DEPARTMENT SECTION

WHEREAS, the City of Asheville ("City") has the authority pursuant to N.C.G.S. §160A-4.1 to charge fees; and

WHEREAS the City Council of the City of Asheville adopted a revised City of Asheville Fees and Charges Manual ("Fees and Charges Manual") on March 22, 2016 (Ordinance #4489); and

WHEREAS the Fees and Charges Manual includes various fees and charges for all of the Departments and is updated annually as part of the City's budget; and

WHEREAS, the Water Resources Department section of the Fees and Charges Manual must be amended to remain compliant with State law, for clarification purposes and more efficient administration;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City of Asheville Fees and Charges Manual be amended as set forth in the attached Exhibit A.

Read, approved and adopted this the 13th day of December 2016.

Magdalen Bowlesson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlesson
City Clerk

Exhibit A

CITY OF ASHEVILLE – FEES AND CHARGES MANUAL

WATER RESOURCES DEPARTMENT

Customer Account Fees....140
Repair Recovery and Tampering Fees....141
Sale of Material and Services....142
Development, Review, Service and Other Fees....143
Customer Billing Service....144
Rents....145
Water Rates & Fees....146
SCHEDULE I – FEES AND CHARGES....148

16

CITY OF ASHEVILLE – FEES AND CHARGES MANUAL

DEPARTMENT	Water Resources
DIVISION	Water Maintenance
Revenue Name	Repair Recovery and Tampering Fees
Account Code	See below

Description of Revenue

Fee charged to repair water system infrastructure due to damage or tampering.

Fee Schedule

Fee	Rate	Account
Damage/Tampering/Obstructing Access to Meter		61000918:489011
First Violation	$200.00	
Second Violation	$500.00	
Each Additional Violation	New tap & meter fee minus ~~development fee~~ system maintenance and capital fee	
Unauthorized Fire Hydrant Use	$940.00 plus hydrant damage costs	
Repair Recovery Fee	Dependent on insurance reimbursement	61000918:489011

CITY OF ASHEVILLE – FEES AND CHARGES MANUAL

DEPARTMENT	Water Resources
DIVISION	Administration
Revenue Name	Development Review, Service and Other Fees
Account Code	See below

Description of Revenue

Various charges related to development review, water service and other fees.

Fee Schedule

See attached schedule for detailed fees.

Fee Type	Account
Water Availability & Plan Review	61000910:450705
Letter of Commitment	61000910:450708
Capital Improvement Project	61000914:450711
Fire Line Charges	61000914:450709
Tap and Connection Fees	61000914:450704
Utility Charges	61000914:450700
Re-read and Open Pipe Fee	61000914:450712
Temporary Meter Release Fee	61000914:450712

18

8" meter = $1,395.49
10" meter = $1,649.22
If you have questions about the capital fee or are unsure of your water meter size, please call the City of Asheville Customer Service Division at (828) 251-1122.

Delinquent fees:

- The delinquent fee is $15.
- The disconnect/reconnect fee is $50.

Fee for Tampering with or Obstructing Access to the Water System:

Customers who damage or tamper with the water system or who obstruct access to the meter will be charged $200 for the first violation, $500 for the second violation, and a new tap & meter fee (minus the ~~development fee~~system maintenance and capital fee) for each violation after the second violation. Tampering is also subject to criminal charges.

Re-read Fee:

Customers are granted one free meter re-read each year. All subsequent re-reads are charged $25 each. If the meter performance is outside of the industry specifications, then there is no charge for the re-read.

Deposits:

A $100 refundable deposit will be charged to customers who have not established good credit.

Fee for Water Availability (application/letter of commitment)		
Single Tap Single-Family Residential	Single Tap All other User Classes	Letter of Commitment
$52.00	$78.00	$312.00
($50+$2 Tech Fee)	($75+$3 Tech Fee)	($300+$12 Tech Fee)

~~NOTE: A 4% Technology Fee is added to some fees by the Information Technology Department to repair and replace computer software needed to process these payments. This is not a Water Resources fee.~~

~~Development fee~~System Maintenance and Capital Fee for new meter

Meter Size	Current Fee	4% Tech Fee	Total	Meter Size.	Current Fee	4% Tech Fee	Total
5/8"	$1,125.00	$45.00	$1,170.00	3"	$17,850.00	$714.00	$18,564.00
3/4"	$1,675.00	$67.00	$1,742.00	4"	$27,900.00	$1,116.00	$29,016.00
1"	$2,775.00	$111.00	$2,886.00	6"	$55,800.00	$2,232.00	$58,032.00
1 1/2"	$5,575.00	$223.00	$5,798.00	8"	$89,300.00	$3,572.00	$92,872.00
2"	$8,925.00	$357.00	$9,282.00	10"	$128,350.00	$5,134.00	$133,484.00

New Tap and Meter

Meter Size	Labor and Materials	Service Charge	System Maintenance and Capital Fee ~~Development Fee~~	Water Availability Fee - Single Family Residential	Water Availability Fee - Commercial	~~4% Technology Fee (calculated using SFR Water Availability Fee)~~	~~4% Technology Fee (calculated using Commercial Water Avail Fee)~~	Total Tap and Meter - Single Family Res	Total Tap and Meter - Commercial
3/4" tap 5/8" meter	$1,073.00	$55.00	$1,125.00	$50.00	$75.00	~~$92.12~~	~~$93.12~~	$2,395.12	$2,421.12
1" tap 3/4" meter	$1,111.00	$55.00	$1,675.00	$50.00	$75.00	~~$116.64~~	~~$116.64~~	$3,006.64	$3,032.64
1" tap 1" meter	$2,005.00	$55.00	$2,775.00		$75.00		~~$106.40~~		$5,106.40
2" tap 1 1/2" meter	$2,276.00	$55.00	$5,575.00		$75.00		~~$319.24~~		$8,300.24
2" tap 2" meter	$2,604.00	$55.00	$8,925.00		$75.00		~~$466.36~~		$12,125.36

20

Drop-In Meters - used when service line, meter, setter & box are already installed and not for newly requested services

Meter Size	Labor and Materials	Service Charge	System Maintenance and Capital Fee Development Fee	Water Availability Fee - Single Family Residential	Water Availability Fee - Commercial	~~4% Technology Fee~~	Total Drop-In Meter Fee - Single Family Res	Total Drop-In Meter Fee - Commercial
Single Family								
5/8"	$235.00	$55.00	$1,125.00	$50.00		~~$58.60~~	$1,523.60	
3/4"	$263.00	$55.00	$1,675.00	$50.00		~~$81.72~~	$2,124.72	
All Others								
5/8"	$235.00	$55.00	$1,125.00		$75.00	~~$59.60~~		$1,549.60
3/4"	$263.00	$55.00	$1,675.00		$75.00	~~$82.72~~		$2,150.72
1"	$482.00	$55.00	$2,775.00		$75.00	~~$135.48~~		$3,522.48
1 1/2"	$552.00	$55.00	$5,575.00		$75.00	~~$250.28~~		$6,507.28
2"	$622.00	$55.00	$8,925.00		$75.00	~~$387.08~~		$10,064.08
3"	$1,748.00	$55.00	$17,850.00		$75.00	~~$789.12~~		$20,517.12
4"	$2,607.00	$55.00	$27,900.00		$75.00	~~$1,233.48~~		$32,070.48
6"	$5,325.00	$55.00	$55,800.00		$75.00	~~$2,450.20~~		$63,705.20
8"	$9,620.00	$55.00	$89,300.00		$75.00	~~$3,962.00~~		$103,012.00
10"	$12,370.00	$55.00	$128,350.00		$75.00	~~$5,634.00~~		$146,484.00

Commercial Connection Charge / No Materials

4", 6", 8", and 12" = $520.00 ($500 plus ~~$20 Technology Fee~~)

Meter Changes:

Relocation of meter:	Cost of new tap and meter minus ~~development fee~~ system maintenance and capital fee
Meter reduction:	All sizes - Cost recovery (customer will be provided with a written estimate)
Meter size increase:	New tap - treated as application for new tap no reduction in fees

Water Engineering Fees:

Water Plan Review* Per Phase for Line Extension/New Service	$468.00	($450+~~$18 Technology Fee~~)
Water Plan Review if the project involves Pump Stations and Storage Tanks	$936.00	($900+~~$36 Technology Fee~~)

Commented [AH1]: Technology fee will be relocated to Water Engineering Fees section

Temporary Meter Release Fee	Recurring monthly fee of 5% of total drop-in meter charge per each meter released through temporary meter release process until water system extension completed and released to City; $500 maximum fee per project phase.
Pump Station Fees	Written estimate for 20 year cost of operations and maintenance for new pump stations per Engineering Standards Manual.

Fee must be paid prior to acceptance of water system and release of meters.

Water Maintenance Fees:			
Unauthorized Fire Hydrant Use	$940.00 + hydrant damage costs		
Hydrant Flow Test	$75.00	($72.12 + $2.88 Tech Fee)	
Contractor Tear-Outs	$250.00 + Cost of Repair		
Clean Water Line Sample	$208.00		
Fire-line Charges: (Annual Charge billed monthly or bimonthly)	1" or less = $100	4" = $275	10" = $2,375
	2" = $150	6" = $725	12" = $3,750
	3" = $200	8" = $1,375	

Reduced Fees for Qualifying Affordable Housing:
Tap & meter fees, and drop-in meter fees, inclusive of service charge, application fee, and ~~development fee~~ system maintenance and capital fee, may be reduced by a total of 50% of the fee specified in this Schedule above, when used for new single-family or multiple-family development which qualifies as affordable housing as follows:

1. The development meets all qualifications for being defined as "affordable housing" as defined by the City of Asheville Division of Community Development.
2. The property being developed lies where the governmental jurisdiction with authority over NC Building Code enforcement has adopted fee reductions of 50% or greater for building and electrical code permits for affordable housing as defined above.

Customer Service Fees:	
Establish or transfer service	$55.00
Refundable deposit	$100.00

(Deposits to be refunded after 2 years if there are no delinquencies, damages, or violations.)

Re-read Fee:	
First One	$0.00
Each Additional	$25.00
Open Pipes Fee	$25.00 per visit after first visit
Meter testing charges all sizes:	No charge for first test in 24 months. All additional tests - $50.00. No charge if meter tests outside standards in Water Policies.
Utility Bill Inserts	$10.00 per 1000 inserts (only 1 size accepted)
Hydrant meter - over 1 day	5/8": $50 non-refundable fee + $290.00 deposit + consumption at residential single-family rate + damages if any + rental fee of $50 per month 3": $50 non-refundable fee + $840.00 deposit + consumption at residential single-family rate + damages if any + rental fee of $50 per month
Cut-off notice fee (delinquent fee)	$15.00
Disconnect/reconnect fee	$50.00

22

Damage to or tampering with water system or obstructing access to meter	$200.00 first violation, $500 second violation, new tap & meter fee minus ~~development fee~~ system maintenance and capital fee for each violation after second violation

ORDINANCE NO. 4537

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 13th day of December, 2016.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

PURPOSE: Technical Budget Amendment

Magdalen Burleson
City Clerk

24

CITY OF ASHEVILLE

BUDGET AMENDMENT

2016/17

FISCAL YEAR | EFFECTIVE DATE

Amendment to: X Operating / Capital or Grant (Special Revenue)

Purpose: Technical Budget Amendment to appropriate funding for prior year contracts and purchase orders that rolled forward to FY 2016-17.

Requesting Department: Finance

				Beginning Budget	New Budget	Increase or Decrease By
Fund	General Fund					
Revenue	Approp Fund Bal Res for Enc					
Acct #	110000xx	499101		0.00	6,082,210.02	6,082,210.02
	Org	Obj	Project			
Fund	Housing Partnership Fund					
Revenue	Approp Fund Bal Res for Enc					
Acct #	23004100	499101		0.00	1,133,976.00	1,133,976.00
	Org	Obj	Project			
Fund	Water Fund					
Revenue	Approp Fund Bal Res for Enc					
Acct #	61000911	499101		0.00	881,106.83	881,106.83
	Org	Obj	Project			
Fund	Parking Fund					
Revenue	Approp Fund Bal Res for Enc					
Acct #	62000220	499101		0.00	175,655.53	175,655.53
	Org	Obj	Project			
Fund	Street Cut Fund					
Revenue	Approp Fund Bal Res for Enc					
Acct #	62000314	499101		0.00	450,738.21	450,738.21
	Org	Obj	Project			
Fund	Stormwater Fund					
Revenue	Approp Fund Bal Res for Enc					
Acct #	62400320	499101		0.00	1,644,308.18	1,644,308.18
	Org	Obj	Project			
Fund	Civic Center Fund					
Revenue	Approp Fund Bal Res for Enc					
Acct #	62600900	499101		0.00	38,275.21	38,275.21
	Org	Obj	Project			
Fund	Transit Fund					
Revenue	Approp Fund Bal Res for Enc					
Acct #	65000951	499101		0.00	34,561.12	34,561.12
	Org	Obj	Project			
Fund	Health Fund					
Revenue	Approp Fund Bal Res for Enc					
Acct #	81100043	499101		0.00	92,607.95	92,607.95
	Org	Obj	Project			
Fund	Property & Liability Fund					
Revenue	Approp Fund Bal Res for Enc					
Acct #	81300038	499101		0.00	1,164.75	1,164.75
	Org	Obj	Project			
Fund	General Fund					
Expend.	Various Accounts					
Acct #	110000xx	52xxxx		0.00	6,082,210.02	6,082,210.02
	Org	Obj	Project			
Fund	Housing Partnership Fund					
Expend.	Awarded Loans					
Acct #	23004100	527200		0.00	1,133,976.00	1,133,976.00
	Org	Obj	Project			
Fund	Water Fund					
Expend.	Various Accounts					
Acct #	61000911	52xxxx		0.00	881,106.83	881,106.83
	Org	Obj	Project			
Fund	Parking Fund					
Expend.	Various Accounts					
Acct #	62000220	52xxxx		0.00	175,655.53	175,655.53
	Org	Obj	Project			
Fund	Street Cut Fund					
Expend.	Various Accounts					
Acct #	62000314	52xxxx		0.00	450,738.21	450,738.21
	Org	Obj	Project			
Fund	Stormwater Fund					
Expend.	Various Accounts					
Acct #	62400320	52xxxx		0.00	1,644,308.18	1,644,308.18
	Org	Obj	Project			
Fund	Civic Center Fund					
Expend.	Various Accounts					
Acct #	62600900	52xxxx		0.00	38,275.21	38,275.21
	Org	Obj	Project			
Fund	Transit Fund					
Expend.	Various Accounts					
Acct #	65000951	52xxxx		0.00	34,561.12	34,561.12
	Org	Obj	Project			
Fund	Health Fund					
Expend.	Various Accounts					
Acct #	81100043	52xxxx		0.00	92,607.95	92,607.95
	Org	Obj	Project			
Fund	Property & Liability Fund					
Expend.	Various Accounts					
Acct #	81300038	52xxxx		0.00	1,164.75	1,164.75
	Org	Obj	Project			
					BALANCE	0.00

ORDINANCE NO. 4538

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 13th day of December, 2016.

Magdalen Bouldson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: Budget transfer from Sustainability to US Cellular Center for Advanced HVAC Controls

Magdalen Bouldson
City Clerk

26

CITY OF ASHEVILLE

BUDGET AMENDMENT

2016/17	12/13/2016
FISCAL YEAR	EFFECTIVE DATE

Amendment to	X Operating Capital or Grant (Special Revenue)
Purpose	Budget Transfer from Sustainability to USCC for Advanced HVAC Controls
Requesting Department	Sustainability Office

				Beginning Budget	New Budget	Increase or Decrease By
Fund	Civic Center Fund					
Revenue	Transfer from General Fund					
Acct #	62690900	498101	NA	1,066,834.00	1,091,892.00	25,058.00
	Org	Obj	Project			
Fund	Civic Center Fund					
Expend.	Contracted Services					
Acct #	62600900	521001	NA	0.00	25,058.00	25,058.00
	Org	Obj	Project			
Fund	General Fund					
Expend.	Contingencies (Green Fund)					
Acct #	11000016	528013	A000	800,074.12	775,016.12	25,058.00
	Org	Obj	Project			
Fund	General Fund					
Expend.	Transfer to Civic Center Fund					
Acct #	11090016	800626	NA	0.00	25,058.00	25,058.00
	Org	Obj	Project			

BALANCE 0.00

ORDINANCE NO. 4539

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment forms attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 13th day of December 2016.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

PURPOSE: To set up the project budget for the construction and installation of the Montford Neighborhood Association bus shelters.

Magdalen Burleson

28

CITY OF ASHEVILLE

BUDGET AMENDMENT

2016/17	12/13/2016
FISCAL YEAR	EFFECTIVE DATE

Amendment to	____ Operating X Capital or Grant (Special Revenue)
Purpose	To build and install two transit shelters in the Montford Historic District
Requesting Department	Transportation

				Beginning Budget	New Budget	Increase or Decrease By
Fund	Transit Capital Projects Fund					
Revenue	Transfer from General Fund					
Acct #	65190950	498100	T1701			
	Org	Obj	Project	0.00	12,543.13	12,543.13
Fund	Transit Capital Projects Fund					
Revenue	Private Donations					
Acct #	65100950	483300	T1701			
	Org	Obj	Project	0.00	12,543.12	12,543.12
Fund	Transit Capital Projects Fund					
Expend.	Contracted Services					
Acct #	65100950	521001	T1701			
	Org	Obj	Project	0.00	25,086.25	25,086.25

BALANCE 0.00

ORDINANCE NO. 4540

ORDINANCE GRANTING A FRANCHISE TO OPERATE A LOW SPEED VEHICLE SHUTTLE SERVICE WITHIN THE CITY OF ASHEVILLE

WHEREAS, the City of Asheville (herein "City") has the authority pursuant to G.S. 160A-296 to control the use of streets and sidewalks within the city; and

WHEREAS, the City of Asheville has the authority pursuant to G.S. 160A-76 to grant franchises; and

WHEREAS, **Slidr, LLC** proposes to operate a low speed vehicle shuttle service on the streets of the City; and

WHEREAS, the City has determined that it is in the public interest to permit the operation of said service on the City's streets, subject to certain terms and conditions;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. **Slidr, LLC** is hereby granted a franchise to operate a low speed vehicle shuttle service as an amenity to its guests on the streets of the City of Asheville subject to the following terms and conditions:

1. Route: The low speed vehicle shuttle service is allowed to operate in the downtown Central Business District (CBD), Biltmore Village, and the River Arts District along state-maintained and city-maintained streets where the posted speed limit is 35 mph or less. The operation of the low speed vehicle shuttle service shall be designed so as to minimize traffic impacts upon the general circulation of vehicular and pedestrian traffic of the City. The low speed vehicle shuttle service shall not load or unload passengers directly from Patton Avenue, College Street, Broadway or Biltmore Avenue unless there is an open parking space or a loading/unloading zone into which the low speed vehicle can safely enter in order to prevent blocking the flow of traffic. **Slidr, LLC** has five vehicles designated for use in the City of Asheville with seating for a driver and five passengers. No more than three vehicles will operate at any given time because the vehicles must be rotated for recharging purposes.

2. Stops and Parking: The low speed vehicle shuttle service stops may not exceed three minutes on any public right-of-way, except as necessary to embark and debark passengers, or with the written permission of the City Traffic Engineer. Loading zones may be used for stops of this limited duration. All service stops shall be made in a way to minimize any possible disruption to the flow of vehicular traffic. It is anticipated that the low speed vehicle shuttle service will secure parking mainly in private lots when longer stops (i.e. waiting for passengers while they are in restaurants) are required.

3. Operating times/frequency: The low speed vehicle shuttle service will operate between the hours of 11:00 am and 11:00 pm seven days per week. The City reserves the right to change these hours at its sole discretion, provided that **Slidr, LLC** is given a 30-day notice of such change. The low speed vehicle shuttle service is prohibited from operating in any City approved festival or event area where the roadways are blocked except with written permission from the event organizer.

4. Terms of Franchise/Renewal: The term of this Franchise shall be indefinite, subject to the Revocation/Termination provisions of Paragraph 10 of this Ordinance.

5. Insurance: **Slidr, LLC** agrees to keep and maintain for the duration of this Agreement including but not limited to commercial general liability, auto liability, workers' compensation, employer's liability, and umbrella coverage with at least the minimum limits shown below. **Slidr, LLC** furnish the City with certificates of insurance for each type of insurance described herein, with the City listed as Certificate Holder and as an additional insured on **Slidr, LLC**'s general liability policy and provide a waiver of subrogation on **Slidr, LLC**'s general liability and workers' compensation policy. In the event of bodily injury or property damage loss caused by **Slidr, LLC**'s negligent acts or omissions in connection with **Slidr, LLC**'s services performed under this Agreement, **Slidr, LLC**'s Liability insurance shall be primary with respect to any other insurance which may be available to the City, regardless of how the "Other Insurance" provisions may read. In the event of cancellation, substantial changes or nonrenewal, **Slidr, LLC** and their insurance carrier shall give the City at least thirty (30) days prior written notice. No work shall be performed until **Slidr, LLC** has furnished to the City the above referenced certificates of insurance and associated endorsements, in a form suitable to the City.

Commercial General Liability:	$1,000,000 per occurrence
Excess (Umbrella) Liability:	$2,000,000
Commercial Auto Liability:	$1,000,000 combined single limit
Workers' Compensation:	Statutory
Employer's Liability:	$100,000 each accident/total disease/employee disease

6. Indemnity: By commencing operation under this Franchise, **Slidr, LLC** agrees to indemnify, defend, and hold harmless the City against any liability loss, costs, claims, damages, expenses, attorney fees, judgments and awards arising or claimed to have arisen for personal injury, property damage or other damage or injury arising from or in connection with any of **Slidr, LLC** operations, including operation of the low speed vehicle shuttle service under this Franchise.

7. Low Speed Vehicle Equipment/Condition of Vehicle: The low speed vehicle is defined by General Statute 20-4.01(27)h as a four-wheeled electric vehicle whose top speed is greater than 20 mph but less than 25 mph. The low speed vehicle will be licensed and plated by the NC Department of Transportation (Division of Motor Vehicles). Safety features of the vehicle are

expected to include headlamps, tail lamps, stop lamps, turn signals, a Type AS-1 or AS-5 glazing windshield with wiper, reflex bumpers, parking brake, rearview mirrors, a horn, and seatbelts. **Slidr, LLC** is responsible for ensuring that all low speed vehicle equipment is maintained in a safe and operable condition in accordance with applicable laws. The City reserves the right to have the vehicle inspected by the City's taxi inspector, appointed pursuant to city Code Sec. 18-9, and to restrict operation of any vehicles that fail inspection.

8. Standards for Drivers/Conductors: **Slidr, LLC** shall certify in writing to the City that each driver has a valid North Carolina driver's license, is medically fit to operate the low speed vehicle and has submitted a complete criminal background check. **Slidr, LLC** shall keep these records on file and will supply this information to the City upon request. Drivers with convictions for crimes of moral turpitude, driving while impaired, controlled substance offenses and sex offenders are prohibited from operating the low speed vehicle within the City limits.

9. Non-transferability/Amendment: This Franchise shall constitute a certificate of public convenience and necessity for the operation of the low speed vehicle shuttle service. This Franchise is not transferable, except to another entity owned by **Slidr, LLC** with written agreement from the City, and may not be amended except as provided in G.S. 160A-76 and G.S. 160A-304(b). This Franchise is not exclusive.

10. Revocation/Termination: The City may revoke this Franchise at any time for failure by **Slidr, LLC** to comply with any of the provisions hereof; provided, that **Slidr, LLC** shall receive 10 day's notice of said revocation during which time this franchise may only be suspended.

    The City may revoke this Franchise for any reason upon 30 days notice to **Slidr, LLC**. **Slidr, LLC** shall be entitled to no compensation or payment as a result of the revocation of this franchise for any reason.

    Slidr, LLC may cease operations under this Franchise upon 30 days notice to the City.

11. Notice: Any notices required or permitted pursuant to this franchise shall be first class mail or personal delivery to the parties as follows:

    If to Slidr, LLC
    Mike Trombino
    15 Buxton Avenue
    Asheville, NC 28801

    If to City:
    City Attorney
    70 Court Plaza
    Asheville, NC 28802

    Compliance with the formalities of this section may be waived.

Slidr, LLC shall at all times maintain an office or business location in the City of Asheville, and shall pay all City privilege license fees, and other taxes and fees associated with operation. **Slidr, LLC** shall designate an individual to be its agent for service of process in accordance with North Carolina law, and shall keep the City advised of any changes in said agent or its address.

12. Franchise Fee: The fee for the operation of this Franchise shall be $1.00 per day for each day of the term of the Franchise, payable in a lump sum on or before the date of operation of service.

13. Temporary Suspension/Modification: This Franchise and any of the terms and conditions thereof, including those relating to route, stops, and scheduling are subject to temporary suspension or modification by the City as necessary for the City to exercise and maintain control over its streets and public ways. The reasons for such action may include (by way of example and not limitation), the following: (a) closing of streets for repairs; (b) closing of streets for parades and festivals; (c) change in direction of one way streets; (d) changes in parking configuration. Any such action shall be within the City's sole discretion without recourse by **Slidr, LLC**. The City will endeavor to provide advance notice of such action, but shall not be bound to do so. Suspension or modification expected to be of more than 30 days duration will require amendment to this Ordinance.

14. Compliance with Laws: **Slidr, LLC** shall comply with all applicable federal, state, and local laws in the operation of its business including, but not limited to, the City of Asheville open container ordinance, and the State of North Carolina Alcoholic Beverage Control (ABC) laws (i.e. NCGS 18B-401; NCGS 20-4.01 (27); NCGS 20-138.7; NCGS 138.2C).It has been determined that because the low speed vehicle will be licensed as a slow-moving vehicle, it does not, per se, conflict with the City's open container ordinance (Section 11-11). However, requirements of this ordinance must still be observed (i.e. passengers cannot leave the vehicle with an open container). **Slidr, LLC** shall also be responsible for obtaining all necessary licenses and permits including, but not limited to, ABC permits and licenses or permits from the NC Department of Transportation. **Slidr, LLC** will not allow alcoholic beverages on the low speed vehicles. Pursuant to City Code, no third-party advertising is allowed on the outside of the vehicles.

Section 2. All ordinances and clauses of ordinances in conflict herewith be and the same are hereby repealed to the extent of such conflict.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 13 day of December, 2016 on first reading and on the second and final reading the 10 day of January, 2017.

City Clerk

Mayor

Approved as to form:

City Attorney

City Clerk

34

ORDINANCE NO. 4541

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 13th day of December, 2016.

Magdalen Bowlison
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

PURPOSE: Fiscal Year 2015 Assistance to Firefighters Grant - Fire Prevention & Safety Award

Magdalen Bowlison

CITY OF ASHEVILLE

BUDGET AMENDMENT

FISCAL YEAR	EFFECTIVE DATE
2016/17	12/13/2016

Amendment to	_____ Operating X Capital or Grant (Special Revenue)
Purpose	Recognize Assistance to Firefighters Grant (AFG) - Fire Prevention & Safety (FP&S) Grant
Requesting Department	Fire & Rescue

				Beginning Budget	New Budget	Increase or Decrease By
Fund	Grant					
Revenue	Restricted Federal Grants					
Acct #	22000110	435000	F17XX	0.00	91,886.00	91,886.00
	Org	Obj	Project			
Fund	Grant					
Revenue	Transfer from General Fund					
Acct #	22090110	498100	F17XX	0.00	4,594.00	4,594.00
	Org	Obj	Project			
Fund	Grant					
Expend.	Supplies - Other					
Acct #	22000110	524001	F17XX	0.00	96,480.00	96,480.00
	Org	Obj	Project			

BALANCE	0.00

36

ORDINANCE NO. 4542

ORDINANCE AMENDING ZONING FOR MULTIPLE PROPERTY(S) LOCATED ALONG ASHELAND AVENUE

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statues, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this proposed amendment is consistent with the City's 2025 Comprehensive Plan, Smart Growth policies, and other official plans of the City, and is determined to be reasonable and in the public interest for the following reasons:

a. Expansion of the CBD is generally recommended in the *2025 Plan* and specifically recommended along Asheland Avenue in the *Downtown Master Plan*
b. Five similar requests have been approved in this immediate location since 2013, leading to staff and the Downtown Commission pursuing a multi-parcel rezoning effort.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

The zoning classification of that certain real properties described in Exhibit A and identified on Buncombe County tax maps as:

- 90 Asheland Avenue; PIN 9648-38-0424, recorded in Deed Book 2084, Page 645; and currently owned by Personnel Properties, LLC from Regional Business (RB) to Central Business District (CBD);
- 202 Asheland Avenue; PIN 9648-37-0529, recorded in Deed Book 5312, Page 399; and currently owned by Counting Stars, LLC from Regional Business (RB) to Central Business District (CBD);
- 206 Asheland Avenue; PIN 9648-37-0315, recorded in Deed Book 2274, Page 735; and currently owned by Asheville Professional Building Condo Owners from Office Business (OB) to Central Business District (CBD);

- 216 Asheland Avenue; PIN 9648-27-9290, recorded in Deed Book 1554, Page 547; and currently owned by 216 Asheland Associates from Office Business (OB) to Central Business District (CBD);
- 222 Asheland Avenue; PIN 9648-36-0984, recorded in Deed Book 3674, Page 179; and currently owned by Imaging Partners Properties LLP from Office Business (OB) to Central Business District (CBD);
- 90 Southside Avenue; PIN 9648-37-2122, recorded in Deed Book 1608, Page 238; and currently owned by Southside Office Park Condo Association from Office Business (OB) to Central Business District (CBD);
- 90 Southside Avenue, Unit A; PIN 9648-37-2224, recorded in Deed Book 4269, Page 1859; and currently owned by Feoffees, LLC from Office Business (OB) to Central Business District (CBD);
- 90 Southside Avenue, Unit B; PIN 9648-37-2109, recorded in Deed Book 1745, Page 38; and currently owned by Amira & Thomas Ranney from Office Business (OB) to Central Business District (CBD);
- 90 Southside Avenue, Unit C; PIN 9648-37-1185, recorded in Deed Book 2407, Page 615; and currently owned by Applied Management Services, LLC from Office Business (OB) to Central Business District (CBD);
- 88 Southside Avenue; PIN 9648-37-5186, recorded in Deed Book 5340, Page 686; and currently owned by PT Development of Asheville, LLC from Residential Multi-Family High Density (RM-16) to Central Business District (CBD);

A copy of the official zoning map showing said lot is attached hereto as Exhibit "A" and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed, to the extent of such conflict.

Section 5. The ordinances shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 6. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 13 day of December 2016.

Magdalen Bouleson
City Clerk

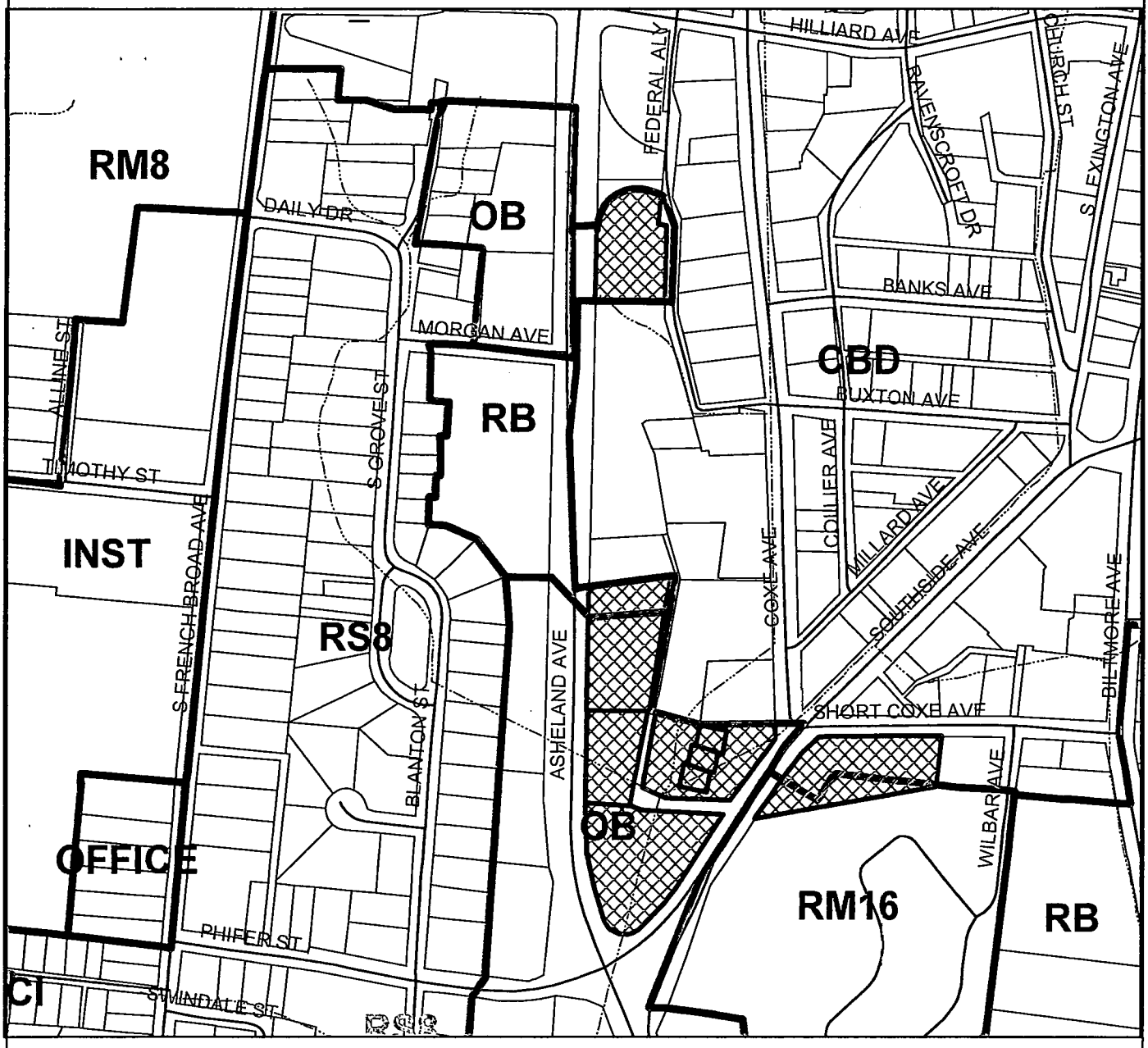
Mayor

Approved as to form:

City Attorney

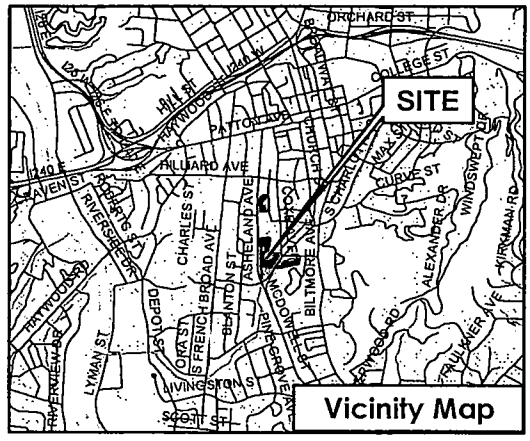
Magdalen Bouleson

City of Asheville - Exhibit A Map
Rezoning - Asheland Avenue (East Side)



Project Name: Asheland Avenue Rezoning
Project Number: 16 - 10582 PZ
Project Description: Multi-parcel rezoning
Petitioner(s): City of Asheville
Parcel ID Number(s): 9648-38-0424; 9648-27-9290; 9648-36-0984; 9648-37-2224;-2109;-1185 9648-37-0529; -0315; -2122; -5186
Location/Address: Multiple addresses

Project Site
Parcels
Zoning Districts
Asheville City Limits
Streets
Streams



City of Asheville Planning and Urban Design Department - October 2016

40

ORDINANCE NO. 4543

ORDINANCE AMENDING OFFICIALLY ADOPTED MAPS PERTAINING TO THE CENTRAL BUSINESS DISTRICT: HEIGHT ZONE MAP

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statues, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this proposed amendment is consistent with the City's 2025 Comprehensive Plan, Smart Growth policies, and other official plans of the City for the reasons set out in the Staff Report, which is hereby adopted and incorporated by reference; and

WHEREAS, these maps appear in the development standards section for the Central Business District and pertain to height allowances and other development standards; and

WHEREAS, this proposed ordinance is determined to be reasonable and in the public interest as follows:

a. The proposed map amendment is in accordance with adopted land use changes.
b. The proposed map amendment implements portions of the adopted Downtown Master Plan and supports City Council's *Goals and Vision Plan.*
c. The map amendment will support the redevelopment of the south area of downtown.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

The map entitled "Height Zone Map" be amended as proposed and attached hereto as Exhibit C and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed, to the extent of such conflict.

Section 5. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 13 day of December 2016.

Magdalen Boulison
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Boulison

42

City of Asheville - Exhibit C Map
Height Zone Map Amendment

Project Name: Asheland Avenue Rezoning - Height Zone Amendment
Project Number: 16 - 10582 PZ
Project Description: Multi-parcel rezoning and height zone amendment
Petitioner(s): City of Asheville
Parcel ID Number(s): 9648-38-0424; 9648-27-9290;
9648-36-0984; 9648-37-2224;-2109;-1185
9648-37-0529; -0315; -2122; -5186
Location/Address: Multiple addresses

Tallest Height Zone
Context Transition Edge
Intermediate Height Zone

City of Asheville Planning and Urban Design Department - October 2016

ORDINANCE NO. 4544

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 13th day of December, 2016.

Magdalen Bowlesson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: Asheville Buncombe Preschool Planning Collaborative

Magdalen Bowlesson
City Clerk

44

CITY OF ASHEVILLE

BUDGET AMENDMENT

FISCAL YEAR	EFFECTIVE DATE
2016/17	8/1/2016

Amendment to	X Operating Capital or Grant (Special Revenue)
Purpose	Fund Balance appropriation for Asheville Buncombe Preschool Planning Collaborative
Requesting Department	Community & Economic Development

				Beginning Budget	New Budget	Increase or Decrease By
Fund	General Fund					
Revenue	Appropriated Fund Balance					
Acct #	11000032	499100		0.00	6,200.00	6,200.00
	Org	Obj	Project			
Fund	General Fund					
Expend.	Other Partnership Funding					
Acct #	11000412	594XXX		0.00	6,200.00	6,200.00
	Org	Obj	Project			

BALANCE 0.00

ORDINANCE NO. 4545

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 13th day of December, 2016.

Magdalen Bowlesson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

PURPOSE: To authorize acceptance and expenditure of funds provided by Buncombe County for the African American Heritage Commission.

Magdalen Bowlesson
City Clerk

46

CITY OF ASHEVILLE

BUDGET AMENDMENT

FISCAL YEAR	EFFECTIVE DATE
2016/17	12/13/2016

Amendment to	X Operating _____ Capital or Grant (Special Revenue)
Purpose	To fund the City of Asheville and Buncombe County African American Heritage Commission
Requesting Department	City Manager's Office

				Beginning Budget	New Budget	Increase or Decrease By
Fund	General Fund					
Revenue	County Participation					
Acct #	1100xxxx	437000		0.00	10,000.00	10,000.00
	Org	Obj	Project			
Fund	General Fund					
Expend.	Contingencies					
Acct #	11000060	528013		175,000.00	165,000.00	(10,000.00)
	Org	Obj	Project			
Fund	General Fund					
Expend.	Awarded Grants					
Acct #	1100xxxx	527101		0.00	20,000.00	20,000.00
	Org	Obj	Project			

BALANCE 0.00

ORDINANCE NO. 4546

ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY OF ASHEVILLE, NORTH CAROLINA, BY ANNEXING A CONTIGUOUS AREA LOCATED AT 12 LOOP ROAD

WHEREAS, the Asheville City Council has been petitioned under N.C. Gen. Stat. Sec. 160A-31, to annex the area described herein; and

WHEREAS, the City Clerk has certified the sufficiency of the petition and a public hearing on the question of this annexation was held in the Council Chamber of the City Building at 5:00 p.m. on the 10th day of January, 2017 after due notice by publication on the 30th day of December 2016; and

WHEREAS, the Asheville City Council does hereby find as fact that the petition meets the requirements of N.C. Gen. Stat. Sec. 160A-31 and N.C. General Assembly Session Law 2005-139;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE, THAT:

Section 1. By virtue of the authority granted by N.C. Gen. Stat. Sec. 160A-31, the following described territory is hereby annexed and made part of the City of Asheville, as of the 10th day of January 2017. The property is more particularly described as follows:

Beginning on a 3/4" iron pipe found, said iron pipe marking the terminus of the first call of the deed recorded in Deed Book 1504 Page 333 of the Buncombe County, North Carolina Register of Deeds Office (the "Registry"), and said iron pipe also being located North 81° 54' 17" West 251.70 feet from a ½" rebar marking the easternmost corner of Tract Four as shown on the plat recorded in Plat Book 96 Page 18 of the Registry; thence from said Point of Beginning and running with the eastern line of the FAA Lease Area shown in Plat Book 88 Page 15 and described in Deed book 5333 Page 182, both of the Registry, North 29° 08' 58" West 258.15 feet to a 1" iron pipe, said iron pipe marking the northeast corner of Tract Four as shown on Plat Book 96 Page 18; thence with the northern line of said Tract Four North 84° 47' 45" West 219.78 feet to a #5 rebar with "H&B" ID cap found, said rebar marking the southeastern corner of the Johnson property described in Deed Book 2713 Page 191 of the Registry; thence running with the eastern line of the Johnson property North 5° 23' 14" East 294.80 feet to a railroad spike with divot found, said railroad spike lying in the southern margin of the 60' right-of-way for Loop Road as described in Deed Book 4908 Page 1635 and Deed Book 1398 Page 715 of the Registry; thence running with the southern margin of the 60' right-of-way for Loop Road the following four calls:

1. South 86° 01' 01" East 431.49 feet to a point, thence
2. On a curve to right having a radius of 261.10 feet, a chord bearing and distance of South 71° 43' 32" East 126.55 feet, and an arc length of 127.82 feet to a point, said point being located South 43° 34' 03" West from a 5/8" rebar in the northern margin of the right-of-way for Loop Road, thence
3. On a curve to right having a radius of 261.10 feet, a chord bearing and distance of South 48° 19' 16" East 85.10 feet, and an arc length of 85.48 feet to a point, thence
4. South 38° 01' 35" East 66.87 feet to a survey marker nail set, said nail marking the northernmost corner of the property belonging to English Oak Green LLC as described in Deed Book 4908 Page 1637 of the Registry, thence

Running with the western boundary line of the aforementioned English Oak Green LLC property South 43° 14' 02" West 494.09 feet to the Point and Place of Beginning, and containing 4.897 acres, more or less;

And being all of the property described in a deed to English Oak Industrial LLC recorded in Deed Book 4908 Page 1635 of the Registry.

Section 2. From and after the 10th day of January 2017, the above-described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Asheville and shall be entitled to the same privileges and benefits as other parts of the City of Asheville. Said territory shall be subject to municipal taxes according to N.C. Gen. Stat. Sec. 160A-31 and 160A-58.10.

Section 3. The Mayor of the City of Asheville shall cause to be recorded in the office of the Register of Deeds of Buncombe County, and in the office of the Secretary of State in Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the Buncombe County Board of Elections, as required by N.C. Gen. Stat. Sec. 163-288.1.

Read, approved, and adopted this 10th day of January 2017.

Magdalena Boulleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalena Boulleson
City Clerk

ORDINANCE NO. 4547

ORDINANCE ESTABLISHING CONDITIONAL ZONING FOR PROPERTY LOCATED AT 352 AIRPORT RD., Portion of 360 AIRPORT RD., AND 12 LOOP RD.

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statues, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this proposed amendment is consistent with the City's 2025 Comprehensive Plan, Smart Growth policies, and other official plans of the City and is determined to be reasonable and in the public interest as follows:

a. The project will support orderly growth and development along an active commercial corridor.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

The zoning classification of that certain real property described in Exhibit A and identified on Buncombe County tax maps as PIN 9643.87-7350 and recorded in Deed Book 4908, Page 1637 and currently owned by English Oak Green LLC; 9643.87-5114 and recorded in Deed Book 3179, Page 822 and currently owned by Southridge Associates LLC; and 9643.87-5405 and recorded in Deed Book 4908, Page 1635 and currently owned by English Oak Industrial LLC, from Highway Business District to Highway Business Conditional Zone. Said rezoning is subject to the conditions set out in Exhibit "B-1" and substantially complies with the site plans shown in Exhibit "C", both attached hereto and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity

of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. The ordinances shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 5. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 10th day of January, 2017.

Magdalen Burleson
City Clerk

Edwin G. Marks
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

Airport Rd. Retail Development
12 Loop Rd., 352 Airport Rd., and 360 Airport Rd. (portion of)
Exhibit B.1 – Conditions List

1. The zoning for the site is Highway Business – Conditional Zone (HB-CZ).

2. The project is located on three parcels 9643-87-7350, 9643-87-5114 (portion of) and 9643-87-5405.

3. The two existing structures on the property will be demolished as part of this project.

4. There will be four new commercial businesses constructed as part of this project which will total approximately 80,000 square feet. Any future expansions or changes of use shall be limited to those permitted by (or in) the HB zoning district and other applicable city standards.

5. The project will contain two outparcels as shown on the site plan.

6. Surface parking will meet the minimum off-street parking requirements for the development under the Unified Development Ordinance, including handicap spaces and bicycle parking spaces.

7. There will be a 5-foot wide sidewalk with 5-foot wide planting/utility strip along Airport Rd. and Loop Rd. up to the main customer entrance with a reduction in the sidewalk requirement for the balance of sidewalk required along Loop Rd. as shown on the site plan.

8. A traffic control signal, which includes an accessible pedestrian signal[s], as approved by the City Transportation Department and the North Carolina Department of Transportation, will be installed at the intersection of Loop Rd. and Airport Rd.

9. The project's landscaping will correspond to the approved landscape plan, which is incorporated herein by reference, and includes a reduction in: a) the number of trees located in interior islands, b) the large interior parking bay island with walkway, c) Islands interrupting continuous runs of perimeter parking spaces, d) all parking spaces being located within 60' of a tree, e) the minimum tree island size and dimensions, and f) a gap greater than 65' between street trees.

10. Tree islands will utilize permeable paving or other subsurface technology designed to support healthy tree growth.

11. The project will provide open space in excess of the minimum 15% (1.1 acres) which includes landscaped areas as shown in the site plan.

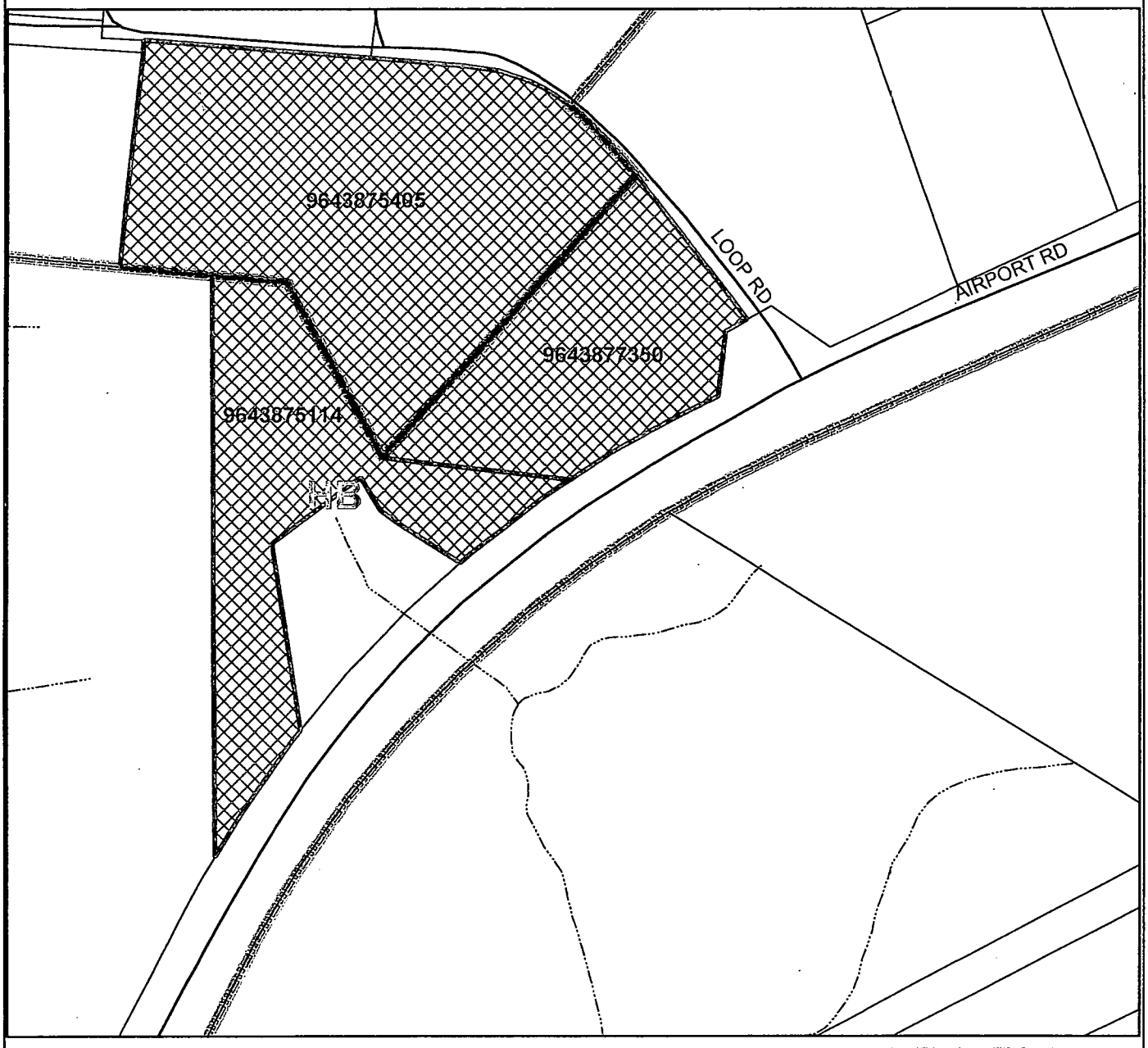
12. A determination of "No Hazard to Air Navigation" from the Federal Aviation Administration must be obtained prior to the release of any building permits.

13. If requested by the City, at or before the issuance of a building permit for the project, the Owner/Applicant will convey to the City, property for a transit stop, at a location determined by

the City, and will grade and pave the transit stop area in a manner sufficient for future construction.

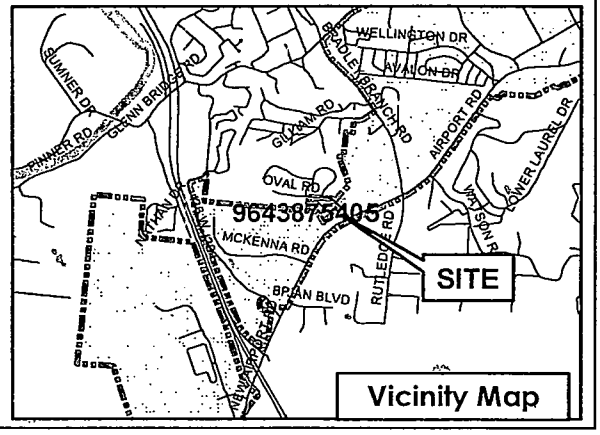
14. The site and building design, construction materials, orientation and layout must substantially comply with the site plan and building elevations (attached hereto) and incorporated by reference. Any major deviations from these plans will result in reconsideration of the project by the reviewing boards.

City of Asheville - Exhibit A Map
Cond. Zoning Review - 352 Airport Rd.



Project Name: Airport Rd. Commercial Retail
Project Number: 16 - 10138 PZ
Project Description: Commercial Retail
Petitioner(s): Greg Edney
Parcel ID Number(s): 9643-87-7350; 5114, 5405

Location/Address: 352 & (p.o.)360 Airport Rd. and 12 Loop Rd.



Project Site
Parcels
Zoning Districts
Asheville City Limits
Streets
Streams

ORDINANCE NO. 4548

ORDINANCE AMENDING A PREVIOUSLY APPROVED CONDITIONAL ZONING (no. 4414) FOR PROPERTY(S) LOCATED AT ROBERTS STREET, CLINGMAN AVENUE EXTENSION AND PARK AVENUE (NORTH)

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statues, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this proposed amendment is consistent with the City's 2025 Comprehensive Plan, Smart Growth policies, and other official plans of the City and is determined to be reasonable and in the public interest as follows:

a. The proposal supports the strategies found in the City's comprehensive plan on encouraging mixed-use development, especially in areas walkable to downtown and proximate to transit;
b. The proposal supports the goal found in the City's comprehensive plan of pursuing more intense infill development where appropriate; and
c. The design and uses create a pedestrian-oriented streetscape along Roberts Street and part of Clingman Avenue Extension.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

The zoning classification of that certain real property described in Exhibit A and identified on Buncombe County tax maps as PINs 9648.07-2183 and 9648.06-1953 recorded in Deed Book 5292, Page 977 and currently owned by RAD Lofts LLC from Urban Place Conditional Zone to Urban Place Conditional Zone district. A copy of the official zoning map showing said lots is attached hereto as Exhibit "A" and made a part hereof.

60

Said rezoning is subject to the conditions set out in Exhibit "B.1", attached hereto and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. The ordinances shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 5. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 10th day of January, 2017.

Magdalen Burleson
City Clerk

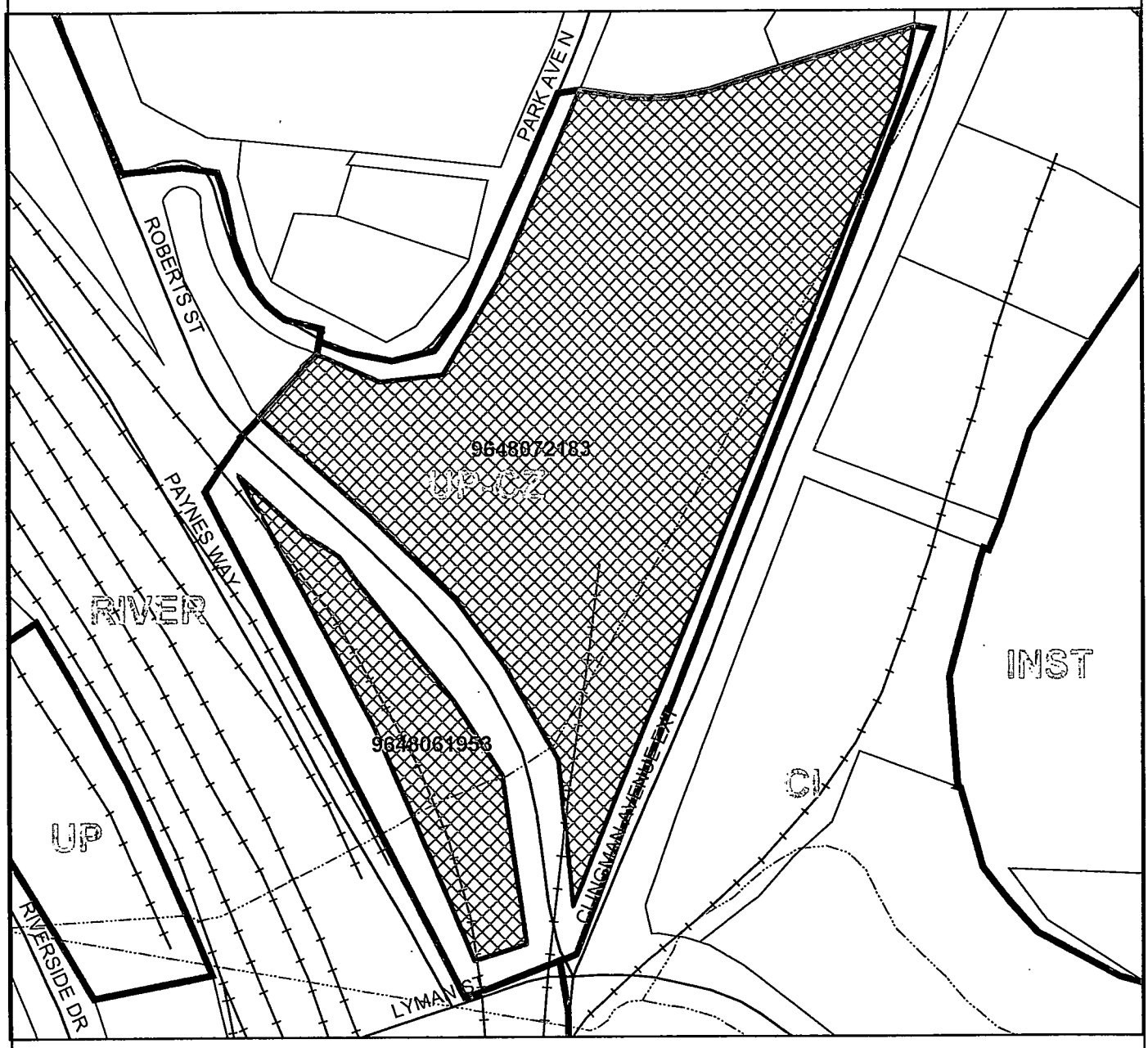
Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

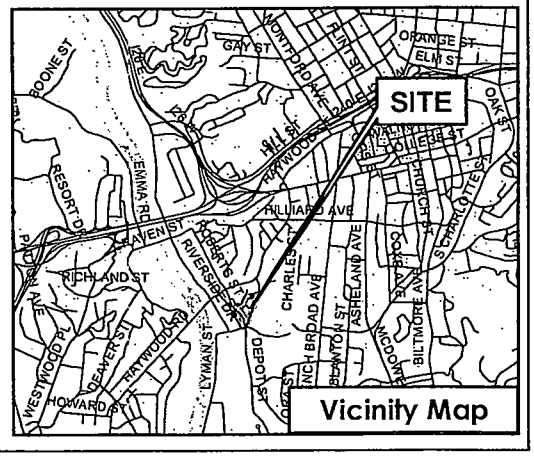
Magdalen Burleson
City Clerk

City of Asheville - Exhibit A Map
Conditional Zoning Amendment - RAD Lofts



Project Name: RAD Lofts Amendment
Project Number: 13 - 03995 PZ
Project Description: UP CZ Amendment
Petitioner(s): Matt Sprouse
Parcel ID Number(s): 9648-07-2183 & 9648-06-1953
Location/Address: 146 Roberts Street

Project Site
Zoning Districts
Parcels
Streets
Asheville City Limits
River Areas



Vicinity Map

City of Asheville Planning and Urban Design Department - November 2016

67.

EXHIBIT B-1
CONDITIONS
RAD LOFTS AMENDMENT II

1. Approval is for conditional zoning to UP-CZ (Urban Place District) for the construction and use of the property for a mixed-use development as described herein. This is an amendment to a previously approved project (ordinance no. 4241, dated October 22, 2013 and ordinance no. 4414, dated May 26, 2015).
2. The project site consists of two separate parcels with a combined area of approximately 3.26 acres and frontage on Roberts Street, Clingman Avenue Extension and Park Avenue (north) in the River Arts District. The main parcel for development is 2.88 acres in size and the second parcel (0.379 acres) is located across Roberts Street to the south.
3. The project shall contain a total of 235 residential units with 138 1-bedroom and 97 2-bedroom units; and 17,872 SF of retail space along Roberts Street.
4. There will be two levels of parking and four to six levels of retail and residential spaces but with the existing grade change on site, the overall height varies. The building height is 50 feet on Clingman and 68 feet from Roberts Street. No building shall exceed 80 feet in height.
5. There will be two driveways, one on each frontage, into the structured parking, which shall contain 334 spaces and a 32-space interior surface parking lot. There will be a 20-space surface parking lot across Roberts Street and approximately 8 on-street parking spaces will be created through streetscape improvements.
6. Landscaping is required on the site and must include street trees along all road frontages, building impact plantings, parking deck and dumpster screening and parking lot landscaping with a street buffer. Open space is also required in this zoning district, equal to 5% of the lot area. Retaining walls are subject to screening requirements.
7. The residential density is 72 units per acre.
8. Five percent of the units will be designated as affordable by the City's standards. The remaining 95% of the units will be leased at or below the City's rates for workforce housing for the first full year of operation. Following the first year, the owner/developer may increase the workforce rental rates in an amount not to exceed 3% per year as indicated on the attached Schedule B1-a. Affordable unit rental rates shall be at or below the City's annual published rates. This condition is in effect for a period of ten years from initial CO (certificate of occupancy).
9. The footprint of the building is 82,531 SF (an increase of 65% from the UP maximum of 50,000 SF) and the gross floor area is 408,400 SF (an increase of 104% from the UP maximum of 200,000 SF).
10. Sidewalks must be at least 6.5' along the surface parking lot on Roberts Street and between 7.5' -12' along Clingman Avenue. There is an existing 5' sidewalk along Park Avenue and the sidewalk along the building side of Roberts Street will be a minimum of 10'. These conditions allow reductions from the 10' minimum width in the UP district.
11. As the site plan indicates, the parking deck landscaping is reduced to 4 trees based on the existing site conditions where a grade change effectively shields the exposed deck levels and creates challenges to planting.
12. The setback in one location along Roberts Street is greater than the UP district maximum of 15' and shall be as indicated on the site plan.
13. The distance between entrances is as shown on the site plan on both Roberts Street (up to 85' between entrances) and Clingman Avenue Extension (up to 153' between entrances).
14. The site plan shows greater spacing for windows and less ground-level fenestration on Clingman Avenue Extension (down to 22% fenestration at the ground-level). An active pedestrian feel will

be created along this corridor by the inclusion of street furniture, public art attached to the building, interpretive signage regarding the history of the area and creative screening on the parking deck openings.

15. Retaining wall on the north end of the project which is 25 feet in height and has no room for foreground landscaping, will be screened with an aesthetic treatment TBD.
16. The building design, site design, construction materials, and orientation on site must substantially comply with the site plan attached hereto as Exhibit C and incorporated herein by reference and the final approved site plan that is incorporated into the zoning permit. Any major deviations from these plans will require reconsideration of the project by the reviewing boards.
17. All legally required local, state, and federal permits and approvals must be obtained prior to initiation of construction and any pertinent legal requirements shall be met.

.64

ORDINANCE NO. 4549

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 24th day of January, 2017.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

PURPOSE: Acceptance of Plug-in Electric Vehicle Charging Station Reimbursement Grant Funding from Duke Energy Carolinas, LLC to expand EV charging station access

Magdalen Burleson
City Clerk

CITY OF ASHEVILLE

BUDGET AMENDMENT

FISCAL YEAR	EFFECTIVE DATE
2016/17	1/24/2017

Amendment to	_____ Operating X Capital or Grant (Special Revenue)
Purpose	To accept a reimbursement grant from Duke Energy Carolinas, LLC for a plug-in electric vehicle charging station in the Rankin parking deck
Requesting Department	Transportation (Parking)

				Beginning Budget	New Budget	Increase or Decrease By
Fund	Parking					
Revenue	Other Miscellaneous Revenue					
Acct #	62000220	489000		0.00	10,000.00	10,000.00
	Org	Obj	Project			
Fund	Parking					
Expend.	Building Maintenance					
Acct #	62000220	522003		143,642.52	133,642.52	-10,000.00
	Org	Obj	Project			
Fund	Parking					
Expend.	Machinery & Equipment					
Acct #	62000220	614101		23,000.00	43,000.00	20,000.00
	Org	Obj	Project			

BALANCE	0.00

66

ORDINANCE NO. 4550

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 24th day of January, 2017.

Magdalen Bouleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

PURPOSE: Supplemental PEG Funding

Magdalen Bouleson
City Clerk

CITY OF ASHEVILLE

BUDGET AMENDMENT

FISCAL YEAR	EFFECTIVE DATE
2016/17	1/24/2017

Amendment to	____ Operating X Capital or Grant (Special Revenue)
Purpose	PEG Access Channel Funding
Requesting Department	Community and Public Engagement (CAPE)

				Beginning Budget	New Budget	Increase or Decrease By
Fund	Grant Fund					
Revenue	NC Franchise Tax - Video Programming					
Acct #	22000015	433203	G17XX			
	Org	Obj	Project	0.00	27,582.00	27,582.00
Fund	Grant Fund					
Expend.	Supplies					
Acct #	22000015	524001	G17XX			
	Org	Obj	Project	0.00	27,582.00	27,582.00

BALANCE 0.00

68

ORDINANCE NO. 4551

ORDINANCE AMENDING ZONING FOR MULTIPLE PROPERTY(S) LOCATED ON SCOTTISH CIRCLE

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statues, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this proposed amendment is consistent with the City's 2025 Comprehensive Plan, Smart Growth policies, and other official plans of the City, and is determined to be reasonable and in the public interest for the following reasons:

a. Protects the existing residential character by guiding compatible infill development

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

The zoning classification of that certain real properties described in Exhibit A and identified on Buncombe County tax maps and Register of Deeds with the following PINs, Deed Book and Page numbers and ownership:

PIN	Address	Owner	DB/PG
9655-01-3113	4 Scottish Circle	Patrick & Karen Davis	5238/171
9655-01-3221	6 Scottish Circle	Jerrel & Alfred Bruno	5485/1358
9655-01-3227	8 Scottish Circle	Regina Candler	4412/1847
9655-01-4372	9 Scottish Circle	Darren Poupore	5142/85
9655-01-4369	11 Scottish Circle	Frederick & Michelle Koon	4831/309
9655-01-3349	15 Scottish Circle	Michael, Timothy & Rita Conway	5466/1404
9655-01-2373	Scottish Circle (p.o. ROW)	Harrell & Associates, Realtors (HOA)	5038/689

from Office II (O2) district to Residential Single Family, High Density (RS8). A copy of the official zoning map showing said lot is attached hereto as Exhibit "A" and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed, to the extent of such conflict.

Section 5. The ordinances shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 6. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 24th day of January, 2017.

Magdalen Pouncey
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

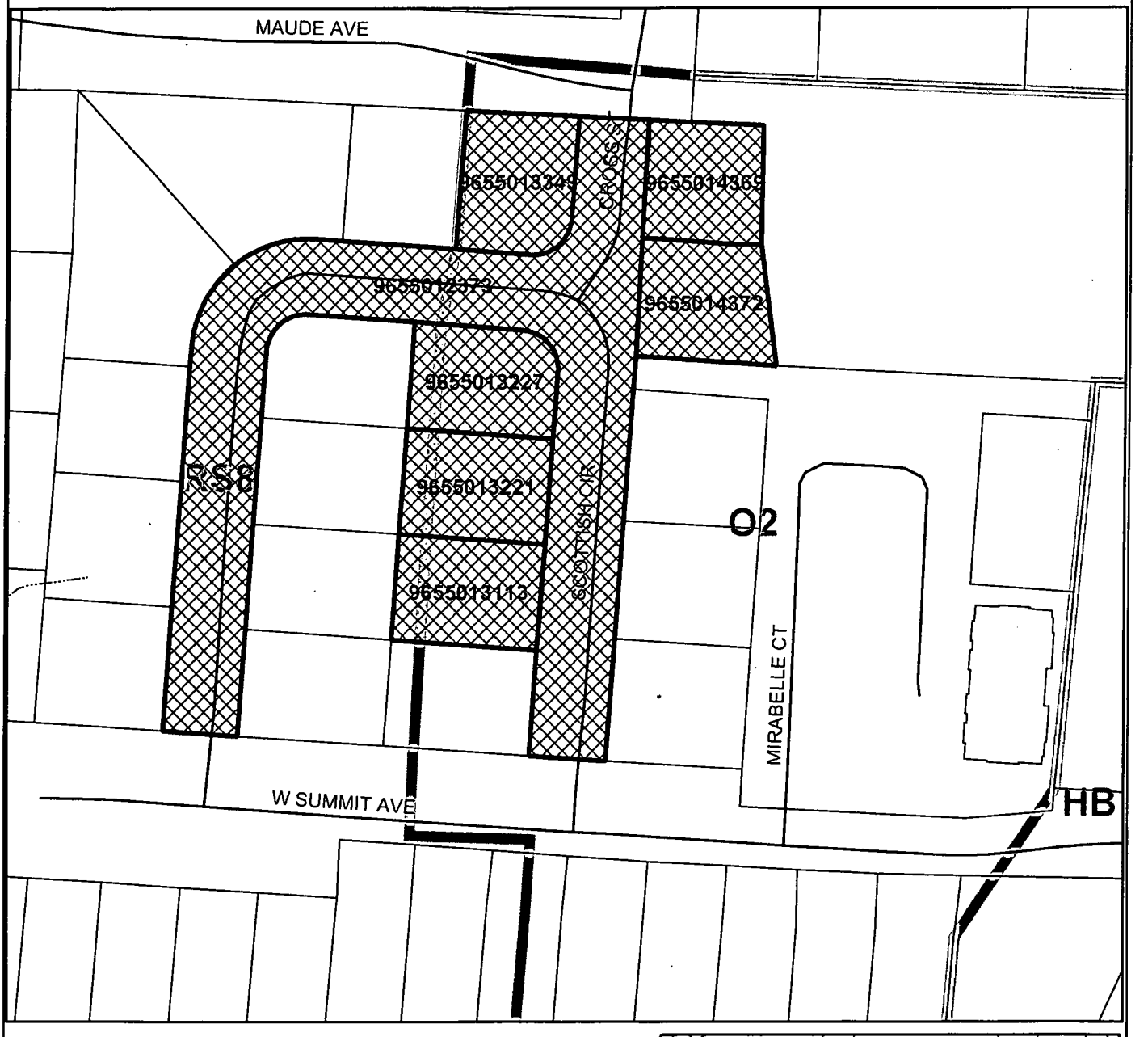
Magdalen Pouncey
City Clerk

70

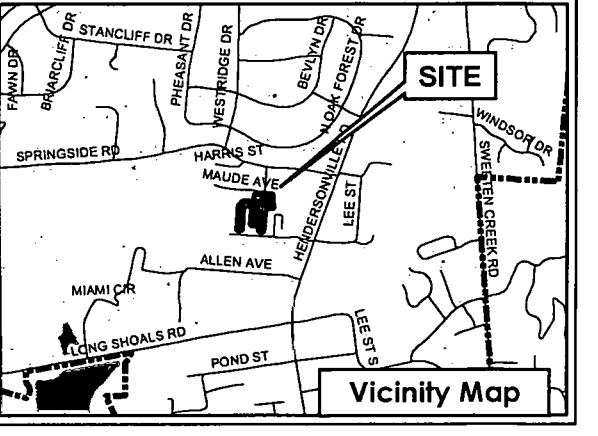
City of Asheville - Exhibit A Map
Rezoning - Scottish Cir. (mult. parcels)

ASHEVILLE

N W E S



Project Name: Scottish Circle Rezoning
Project Number: 16 - 11458 PZ
Project Description: Rezoning
Petitioner(s): Darren Poupore (agent)
Parcel ID Number(s): 9655-01-3113; 3221, 3227, 4372, 4369, 3349, 2373
Location/Address: 4, 6, 8, 9, 11 and 15 Scottish Cir. + private ROW



Project Site
Parcels
Zoning Districts
Asheville City Limits
Streets
Streams

City of Asheville Planning and Development Department - March 2016

ORDINANCE NO. 4552

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made a part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 14th day of February, 2017.

Magdalen Bourleson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: To receive funds associated with the telecommunications tower replacement project on City-owned real property at 166 Reservoir Road.

Magdalen Bourleson
City Clerk

72

CITY OF ASHEVILLE

BUDGET AMENDMENT

FISCAL YEAR	EFFECTIVE DATE
2016/17	2/14/2017

Amendment to	_____ Operating X Capital or Grant (Special Revenue)
Purpose	Memorandum of Understanding for the replacement of a City-owned telecommunications tower at 166 Reservoir Road
Requesting Department	Information Technology

				Beginning Budget	New Budget	Increase or Decrease By
Fund	General Capital Project Fund					
Revenue						
Acct #	41000053	4xxxxx	I17xx	0.00	300,000.00	300,000.00
	Org	Obj	Project			
Fund	General Capital Project Fund					
Expend.	Contracted Services					
Acct #	41000053	521001	I17xx	0.00	300,000.00	300,000.00
	Org	Obj	Project			

BALANCE 0.00

ORDINANCE NO. 4553

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made a part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 14th day of February 2017.

Magdalen Bowlesson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

PURPOSE: 2016 High Intensity Drug Traffic Area (HIDTA) Grant

Magdalen Bowlesson
City Clerk

74

City of Asheville
Budget Amendment

1. Effective Date:
2. Fiscal Year: 2016-17

3. Amendment to Operating ___ and/or Capital Project _X_ appropriation.

Police
4. Requesting Department

5. Today's Date 2/14/2017

6. Department Head Signature

7. Comments/Purpose: To establish budget for HIDTA 2016

8. Organization #	Object Code	Project #	9. Beginning Budget	10. Account Summary Bal	11. New Budget	12. Increase or Decrease By
ESTABLISH PROJECT BUDGET:						
22000121	435000	P	0.00	$0.00	$25,000.00	$25,000.00
Restricted Intergov Revenue - Federal Grant						
2200121	528304	P	0.00	$0.00	$25,000.00	$25,000.00
Police Special Purposes						

ORDINANCE NO. 4554

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 14th day of February, 2017.

Magdalen Bouleson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: Approve funds be appropriated in the Transit Capital Fund for the Transportation Department to utilize.

Magdalen Bouleson
City Clerk

76

CITY OF ASHEVILLE

BUDGET AMENDMENT

FISCAL YEAR	EFFECTIVE DATE
2016/17	2/14/2017

Amendment to	____ Operating X Capital or Grant (Special Revenue)
Purpose	To appropriate insurance recovery funds to the Transportation Department for bus totaled in motor vehicle accident
Requesting Department	Transportation

				Beginning Budget	New Budget	Increase or Decrease By
Fund	Transit Fund					
Revenue	Transfer from Prop & Liab Fund					
Acct #	65190950	498813	T1601	0.00	25,000.00	25,000.00
	Org	Obj	Project			
Fund	Transit Fund					
Expend.	Machinery & Equipment					
Acct #	65100950	614101	T1601	88,000.00	113,000.00	25,000.00
	Org	Obj	Project			

BALANCE 0.00

ORDINANCE NO. 4555

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made a part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 14th day of February, 2017.

Magdalen Burleson
City Clerk

Edwin C. Hess
Mayor

Approved as to form:

City Attorney

PURPOSE: This Budget Amendment increases the total project budget for the 2015 NEP Area 3 Capital Project for the construction contract with Thomas Construction Company, Inc.

Magdalen Burleson
City Clerk

78.

City of Asheville
Budget Amendment

1. Effective Date: 2/14/2017
2. Fiscal Year: 2016-17

3. Amendment to Operating __ and/or Capital Project _X_ appropriation.

Water Resources	1/24/2017	
4. Requesting Department	**5. Today's Date**	**6. Department Head Signature**

7. Comments/Purpose: Increase budget for NEP Area 3 CIP Project for construction agreement with Thomas Construction Company, Inc.

8. Account Number	9. Beginning Budget	10. Account Summary Balance	11. New Budget	12. Increase or Decrease By
2015 NEP Area 3 Project				
Transfer from Water Oper 07/08				
61190911 - 498612 - W1611	$0.00	$0.00	$162,920.00	$162,920
Transfer from Water Oper 08/09				
61190911 - 498613 - W1611	$0.00	$0.00	$162,920.00	$162,920
Transfer from Water Oper 09/10				
61190911 - 498614 - W1611	$0.00	$0.00	$162,920.00	$162,920
Transfer from Water Oper 13/14				
61100911 - 498618 - W1611	$0.00	$0.00	$203,954.00	$203,954
Transfer from Water Oper 09/10				
61190911 - 498614 - W1611	$0.00	$0.00	$282,000.00	$282,000
Transfer from Water Oper 11/12				
61100911 - 498616 - W1611	$0	$0.00	$8,761.00	$8,761
Transfer from Water Oper 11/12				
61100911 - 498616 - W1611	$0	$0.00	$83,606.00	$83,606
Transfer from Water Oper 09/10				
61190911 - 498614 - W1611	$0.00	$0.00	$117,328.00	$117,328
Transfer Water Revenue Fund - Sullivan Act				
61190911 - 498600 - W1611	$0.00	$0.00	$257,479.00	$257,479
Transfer from Water Oper 12/13				
61190911 - 498617 - W1611	$0.00	$0.00	$264,243.00	$264,243
Transfer from Water Oper 11/12				
61190911 - 498616 - W1611	$0.00	$0.00	$159,225.00	$159,225
Transfer from Water Oper 12/13				
61190911 - 498617 - W1611	$0.00	$0.00	$115,789.00	$115,789
Transfer from Water Oper 12/13				
61190911 - 498617 - W1611	$0.00	$0.00	$520,447.00	$520,447
Transfer from Water Oper 12/13				
61190911 - 498617 - W1611	$0.00	$0.00	$55,272.00	$55,272
Transfer from Water Oper 12/13				
61190911 - 498617 - W1611	$0.00	$0.00	$142,868.00	$142,868

Transfer from Water Oper 09/10				
61100911 - 498614 - W1611	$0.00	$0.00	$124,538.00	$124,538
Transfer from Water Oper 11/12				
61100911 - 498616 - W1611	$0.00	$0.00	$30,462.00	$30,462
Transfer from Water Oper 13/14				
61190911 - 498618 - W1611	$0.00	$0.00	$50,000.00	$50,000
Transfer from Water Oper 13/14				
61190911 - 4986168 - W1611	$0.00	$0.00	$8,225.00	$8,225
Infrastructure				
61100911 - 615101 - W1611	$1,661,928.00	$1,661,928.00	$4,574,885.00	$2,912,957
I-240 Widening to North Haywood				
Transfer from Water Oper 07/08				
61190911 - 498612 - W0801	$162,920.00	$162,920.00	$0.00	($162,920)
Transfer from Water Oper 08/09				
61190911 - 498613 - W0801	$162,920.00	$162,920.00	$0.00	($162,920)
Transfer from Water Oper 09/10				
61190911 - 498614 - W0801	$162,920.00	$162,920.00	$0.00	($162,920)
Construction				
61100911 - 616102 - W0801	$488,760.00	$488,760.00	$0.00	($488,760)
Automated Meter Readers				
Transfer from Water Oper 13/14				
61100911 - 498618 - W0817	$216,436.00	$216,436.00	$12,482.00	($203,954)
Construction				
61100911 - 616102 - W0817	$270,882.50	$203,954.96	$66,928.50	($203,954)
DOT I-26 Patton to 19/23				
Transfer from Water Oper 09/10				
61190911 - 498614 - W1001	$282,000.00	$282,000.00	$0.00	($282,000)
Construction				
61100911 - 616102 - W1001	$282,000.00	$282,000.00	$0.00	($282,000)
North Fork Lagoon # 3				
Transfer from Water Oper 11/12				
61100911 - 498616 - W1003	$0.00	$0.00	-$8,761.00	($8,761)
Contracted Services				
61100911 - 521001 - W1003	$8,761.28	$8,761.28	$0.28	($8,761)
Beaucatcher Tank WL Improvements				
Transfer from Water Oper 11/12				
61100911 - 498616 - W1005	$372,950.00	$372,950.00	$289,344.00	($83,606)
Construction				

61100911 - 616102 - W1005	$83,606.68	$83,606.68	$0.68	($83,606)

Allen Mountain Upgrade				
Transfer from Water Oper 09/10				
61190911 - 498614 - W1006	$156,590.00	$156,590.00	$39,262.00	($117,328)
Construction				
61100911 - 616102 - W1006	$119,090.00	$119,090.00	$1,762.00	($117,328)
Main Transmission Line Evaluation				
Transfer from Water Oper 12/13				
61190911 - 498617 - W1201	$0.00	$0.00	-$264,243.00	($264,243)
Professional Services				
61100911 - 521002 - W1201	$264,243.67	$264,246.67	$0.67	($264,243)
Bulk Water Stations				
Transfer from Water Oper 11/12				
61190911 - 498616 - W1203	$159,225.00	$159,225.00	$0.00	($159,225)
Contracted Services				
61100911 - 521001 - W1203	$159,225.00	$159,225.00	$0.00	($159,225)
Horizon Hill WL Replacement				
Transfer from Water Oper 12/13				
61190911 - 498617 - W1211	$0.00	$0.00	-$115,789.00	($115,789)
Construction				
61100911 - 616102 - W1211	$115,789.12	$115,789.12	$0.12	($115,789)
Grovemont Development WL Replacement				
Transfer from Water Oper 12/13				
61190911 - 498617 - W1212	$0.00	$0.00	-$520,447.00	($520,447)
Construction				
61100911 - 616102 - W1212	$520,447.19	$520,447.19	$0.19	($520,447)
Spring 2013 NEP				
Transfer from Water Oper 12/13				
61190911 - 498617 - W1305	$0.00	$0.00	-$55,272.00	($55,272)
Infrastructure				
61100911 - 615101 - W1305	$55,272.00	$55,272.00	$0.00	($55,272)

Summer 2013 NEP				
Transfer from Water Oper 12/13				
61190911 - 498617 - W1306	$0.00	$0.00	-$142,868.00	($142,868)
Infrastructure				
61100911 - 615101 - W1306	$142,868.75	$142,868.75	$0.75	($142,868)
Gerber Road and Ball Brother Vault				
Transfer from Water Oper 13/14				
61190911 - 498618 - W1401	$50,000.00	$50,000.00	$0.00	($50,000)
Infrastructure				
61100911 - 615101 - W1401	$50,000.00	$50,000.00	$0.00	($50,000)
Hendersonville Road WL				
Transfer from Water Oper 13/14				
61190911 - 4986168 - W1412	$0.00	$0.00	-$8,225.00	($8,225)
Infrastructure				
61100911 - 615101 - W1412	$8,225.68	$8,225.68	$0.68	($8,225)
			13. Balance of Transaction:	$0.00

14. Information below is to be completed by Budget & Research and City Clerk's office.

15. Budget & Research Approval:		**19. Date Posted:**	
16. Ordinance Number:		**By:**	
17. Date Received in Budget & Research:		**Sheet #:**	
18. Date Sent to City Clerk:			

Must be received by Budget & Research 14 days prior to the City Council Meeting.

BUDAMEND.XLS

82

ORDINANCE NO. 4556

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 14th day of February, 2016.

Magdalen Bowlesson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: Tunnel Rd Retaining Wall

Magdalen Bowlesson
City Clerk

CITY OF ASHEVILLE

BUDGET AMENDMENT

FISCAL YEAR	EFFECTIVE DATE
2016/17	2/14/2017

Amendment to	____ Operating X Capital or Grant (Special Revenue)
Purpose	Tunnel Road Retaining Wall
Requesting Department	Capital Projects

				Beginning Budget	New Budget	Increase or Decrease By
Fund	General Capital Projects					
Revenue	Interim Credit Facility					
Acct #	41000231	494171	Kxxx	0.00	650,000.00	650,000.00
	Org	Obj	Project			
Fund	General Capital Projects					
Expend.	Contracted Services					
Acct #	41000231	521001	Kxxx	0.00	650,000.00	650,000.00
	Org	Obj	Project			

BALANCE 0.00

84

ORDINANCE NO. 4557

ORDINANCE AMENDING THE ASTON PARK TENNIS CENTER FEES AND CHARGES

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the Aston Park Tennis Center fees and charges, attached to and made a part of this ordinance, be adopted.

That this ordinance shall be in full force and effect upon February 15, 2017.

Read, approved and adopted this 14th day of February, 2017.

Magdalen Burleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Burleson
City Clerk

Aston Park Tennis Center Pass Holder Rate Proposal -- 3-Year Step Up Fee Schedule

Pass Holder Type	Current Fee	Step Up Fee Year 1	Step Up Fee Year 2	Step Up Fee Year 3
Resident - Individual	$ 160	$ 250	$ 375	$ 500
Resident – Senior	$ 130	$ 220	$ 310	$ 400
Resident - Family	$ 200	$ 400	$ 600	$ 750
Resident - Senior Family	$ 160	$ 300	$ 450	$ 650
Non-resident - Individual	$ 200	$ 325	$ 475	$ 650
Non-resident – Senior	$ 170			
Non-resident - Family	$ 240	$ 500	$ 750	$ 1,000
Non-resident - Senior Family	$ 200			

86

Description of Revenue

Revenue derived: Aston Park Tennis Center

Aston Park Tennis Center Annual Pass Holder Fees

Pass Holder Type	Current Fee	Proposed Fee effective 4/1/17	Proposed Fee effective 7/1/17
City Resident - Individual	$375	$437.50	$500
City Resident - Senior	$310	$355	$400
City Resident - Family	$600	$675	$750
City Resident - Senior Family	$450	$550	$650
Non-City Resident - Individual	$475	$562.50	$650
Non-City Resident - Senior			
Non-City Resident - Family	$750	$875	$1,000
Non-City Resident - Senior Family			

Additional Revenue from Fee Change:
$20,000 - $25,000

ORDINANCE NO. 4558

ORDINANCE AMENDING THE FISCAL YEAR 2016-17 FEES AND CHARGES

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the FY 2016-17 Fees and Charges (Ordinance No. 4489) be amended to increase the parking meter fee rate from $1.25 per hour to $1.50 per hour.

That this ordinance shall be in full force and effect upon April 1, 2017.

Read, approved and adopted this 14th day of February, 2017.

Magdalen Burleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Burleson
City Clerk

FEES AND CHARGES WORKSHEET

DEPARTMENT: Transportation **DIVISION:** Parking Services

Revenue Name: Fines & Fees Parking Meters

Account Code: 62000221 482410

Current Fee: $1.25 ph

Proposed Fee: $1.50 per hour

Additional Revenue from Fee Change: $275,000

Describe the service for which the fee is/will be charged:

Hourly rate for parking in metered spaces

Explain reason for increase:

Increase revenue to fund increasing costs of maintenenace and enforcement as well as paying for new solar smart meters we want to purchase.

ORDINANCE NO. 4559

AN ORDINANCE AMENDING ARTICLE II, DIVISION 1, SECTIONS 24 AND 25 OF APPENDIX C OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

Section 1: That Article II, Division I, Section 25 (b) of Appendix C of the Code of Ordinances of the City of Asheville (Speed Limits – Thirty miles per hour, City system) be amended to remove:

London Road, between Belleview and West Chapel Road

Spooks Branch Road in its Entirety

Section 2: That Article II, Division I, Section 24 (b) of Appendix C of the Code of Ordinances of the City of Asheville (Speed Limits – Twenty Five miles per hour, City system) be amended to remove:

Roberts Street, between Craven Street and Lyman Street

Section 3: That Article II, Division I, Section 23 (b) of Appendix C of the Code of Ordinances of the City of Asheville (Speed Limits – Twenty miles per hour, City system) be amended to include:

Depot Street from Livingston Street to Clingman Avenue

Roberts Street from Clingman Avenue to Lyman Street

Section 4: That Article II, Division I, Section 24 (b) of Appendix C of the Code of Ordinances of the City of Asheville (Speed Limits – Twenty Five miles per hour, City system) be amended to include:

Clarendon Road from School Road to School Road

Congress Street from Choctaw Street to Livingston Street

Depot Street from Livingston Street to End of City Maintenance

Faircrest Road from Beaverdam Road to End of City Maintenance

Le-An-Hurst Road from Edgewood Drive to Round Top Road

London Road from Belvedere Road to West Chapel Road

Pine Acre Boulevard from Midland Drive End of City Maintenance
Roberts Street from Haywood Street-W to Clingman Avenue

Spooks Branch Road from Beaverdam Road to End of City Maintenance

90

Sweeten Creek Industrial Parkway from Sweeten Creek Road to End of City Maintenance

Section 5: That all Ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed.

Section 6: That this Ordinance shall be in full force and effect upon adoption by the City of Asheville and the erection of signs giving notice of the authorized speed limit.

Read, approved and adopted this 14th day of February, 2017.

Magdalen Burleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Burleson
City Clerk

ORDINANCE NO. 4560

ORDINANCE AMENDING CHAPTER 7 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE TO AMEND THE PROCESS REGARDING LEVEL III DEVELOPMENT AND ESTABLISHING EXPANSION DISTRICTS.

WHEREAS, the City of Asheville has the authority pursuant to Part I of Article 19 of Chapter 160A of the North Carolina General Statutes, to adopt development regulations and to amend said regulations from time to time in the interest of the public health, safety and welfare; and

WHEREAS, the City of Asheville Unified Development Ordinance (Chapter 7 of the City Code of Ordinances) currently provides development standards guiding the orderly growth and development of the city; and

WHEREAS, appropriate and effective review processes are a necessary and important planning and zoning tool; and

WHEREAS, a public engagement process was conducted considering review thresholds and the process for reviewing large developments; and

WHEREAS, this proposed amendment is consistent with the city's 2025 Comprehensive Plan, Smart Growth policies, and other official plans of the city, and is determined to be reasonable and in the public interest in the following ways:

(a) Leverages a higher quality of development through multimodal access and placemaking through enhanced development standards; and,

(b) Provides an early method of communication with the public through neighborhood meetings; and,

(c) Provides greater flexibility in higher impact projects.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1: Chapter 7 of the Code of Ordinances of the City of Asheville is hereby amended as follows:

a. Sec. 7-2-5 shall be amended by adding the following definitions, to be inserted alphabetically:

Development plan means a plan or plans, prepared to scale, accurately showing all information required by these regulations with respect to the development proposal.

Level III development is a land use that meets the designated thresholds found in 7-5-9(a) and 7-5-9.1(a).

b. Sec.7-5-9(a) shall be revised in its entirety to read:

(a) Level III development.

(1) *Purpose and application.* Approval for a Level III development requires a rezoning to one of the expansion zoning districts found in 7-8-2 of this chapter and includes individualized development conditions. Due to their size, these proposals could be expected to have a significant impact upon public services and infrastructure and need to be managed for the benefit of the neighborhood or city as a whole. Such projects must conform to development standards in the Unified Development Ordinance ("UDO") and the Standard Specifications and Details Manual, and goals outlined within the Comprehensive Plan or other adopted plans. Proposed development involving new construction, additions, renovations, and changes of use which fall into one or more of the following categories are considered to be Level III developments:

a. *New construction and changes of use to a higher impact.*

1. Industrial building(s), structure(s), or development(s) in the river zoning district with a gross floor area of 100,000 square feet or more;

2. Commercial building(s), structure(s) or development(s) with a gross floor area of 100,000 square feet or more;

3. Office or institutional building(s), structure(s) or development(s) with a gross floor area of 100,000 square feet or more;

4. Any residential development or residential subdivisions containing 50 or more individual dwelling units, or camping / recreation park containing 50 or more individual sites.

5. Lodging facilities with a total of twenty-one (21) or more guest rooms, including construction of new facilities or the conversion/renovation of existing building(s).

6. Developments defined as a Level III development in any of the expansion zoning districts.

b. *Additions/Expansions.* Projects which were not previously approved as a Level III project, but which, with an addition or expansion meets all of the following shall be considered Level III projects: (i) result in a net increase of at least 25% or more of the thresholds in Section 1(a) above; and (ii) will, with the addition or expansion, reach the minimum thresholds in Section 1(a) above.

c. Developments which meet all of the following criteria shall be considered one development and shall be reviewed as a Level III project under this Section:

1. The proposed development and a previously approved development are located within 500 feet of each other; and

2. The proposed development and a previously approved development represent different phases of a larger plan that may, or may not, include shared parking facilities, access, utilities or walls ; and

3. The application for the proposed development is received within three years of the issuance of a certificate of occupancy for a previously approved development.

(2) *Rezoning required.* All Level III developments are allowed only in one of the expansion districts enumerated in Article VIII of this chapter and include individualized development conditions and a development plan to accompany the rezoning application.

(3) *Application procedure.* Applications for Level III developments shall follow the conditional zoning process specified in 7-7-8 of this chapter.

(4) *Development plan(s) required.* A development plan for a proposed Level III development shall be prepared by a licensed design professional in accordance with the Unified Development Ordinance ("UDO"), the City of Asheville Standard Details and Specifications Manual, other applicable city ordinances, city policies and state law.

c. Section 7-5-9.1 shall be revised in its entirety to read:

Sec. 7-5-9.1. Development approval process on parcels zoned Central Business District and located in the Downtown Design Review Overlay District. (CBD/DDR)

(a) Level III development.

(1) *Purpose and application.* Approval for a Level III development for parcels zoned Central Business District and located in the Downtown Design Review Overlay District (CBD/DDR) require rezoning to the Central Business Expansion District and includes individualized development conditions. If a property is currently zoned Central Business District, the only available expansion district for rezoning is Central Business Expansion District. Due to their size and/or height, Level III developments can be expected to have a significant impact upon public services, infrastructure and the character of the downtown environment. Proposed developments in the Central Business District which fall into one or more of the following categories are Level III developments:

a. Any new construction and/or changes of use to a higher impact use with a building(s), structure(s) or development(s) having a gross floor area of 100,000 square feet or more.

b. Any new construction, and/or changes of use to a higher impact, of buildings, structures, or developments that are above 100 feet in height. Height in the Central Business District is measured as specified in 7-8-18 of this chapter.

c. Lodging facilities with a total of twenty-one (21) or more guest rooms, including construction of new facilities or the conversion/renovation of existing building(s).

d. Projects which were not previously approved as a Level III project, but which, with an addition or expansion meets all of the following shall be considered Level III projects: (i) result in a net increase of at least 25% or more of the thresholds in Section 1(a) above; and (ii) will, with the addition or expansion, reach the minimum thresholds in Section 1(a) above.

e. Developments which meet all of the following criteria shall be considered one development and shall be reviewed as a Level III project under this Section:

1. The proposed development and a previously approved development are located within 500 feet of each other; and
2. The proposed development and a previously approved development represent different phases of a larger plan that may, or may not, include shared parking facilities, access, utilities or walls ; and
3. The application for the proposed development is received within three years of the issuance of a certificate of occupancy for a previously approved development.

(2) *Rezoning required.* All Level III developments must be zoned Central Business Expansion District and include individualized development conditions along with development plans.

(3) *Application procedure.* Applications for Level III development follow the conditional zoning process specified in 7-7-8 of this chapter. In addition, the following procedures apply:

a. Notification for the developer's neighborhood meeting outlined in 7-7-8(d)(3) shall also be provided to physical addresses within the notification area;
b. After the review and recommendation by the Technical Review Committee, the development application will be forwarded to the Downtown Commission. The Commission shall schedule a public hearing to receive comments regarding the proposal. Review and action shall be taken in accordance with subsections 7-5-10(b). The Downtown Commission shall act on the proposed development application within 120 days of receipt. Following a completed review by the Downtown Commission the plans shall be transmitted to the Planning and Zoning Commission and shall follow the process outlined for conditional zoning approval.
c. Public hearings held by the Downtown Commission shall be exempt from published notice requirements specified in 7-5-20(b)(1).

(b) *Level II site plan review process.*

(1) *Purpose and application.* The Level II approval is required for development projects on parcels zoned Central Business District and located in the Downtown Design Review Overlay District (CBD/DDR). This process is required for one or more of the following categories of development:

a. Any new construction and/or changes of use to a higher impact for a building(s) structure(s) or development(s) having a gross floor area of 20,000 to 99,999 square feet and which are below 100 feet in height. Height in the Central Business District is measured as specified in 7-8-18 of this chapter.

b. Projects which were not previously approved as a Level II project, but which, with an addition or expansion meets all of the following shall be considered Level II projects: (i) results in a net increase of at least 25% or more of the thresholds in Section 1(a) above; and (ii) will, with the addition or expansion, reach the minimum thresholds in Section 1(a) above.

c. Developments which meet all of the following criteria shall be considered one development and shall be reviewed as a Level II project under this Section:

2. The proposed development and a previously approved development are located within 500 feet of each other; and
3. The proposed development and a previously approved development represent different phases of a larger plan that may, or may not, include shared parking facilities, access, utilities or walls ; and
4. The application for the proposed development is received within three years of the issuance of a certificate of occupancy for a previously approved development.

(2) *Pre-application procedure.*

a. All applicants for Level II site plan review in the CBD/DDR are required to schedule a pre-application conference with city staff as provided in subsection 7-5-9(b)(2)a. of this chapter.

b. The developer is required to meet with representatives of the neighborhood in which the proposed project is located. This meeting is to allow the developer to explain the proposed project, be informed about neighborhood concerns, and explore opportunities to address those concerns in cooperation with the neighborhood. The meeting must be held in the pre-application stage no more than four months prior to the submittal date and no closer than ten days before submittal and must be at a location and time designed to allow interested neighbors to attend. It is recommended, but not required, that the developer retain a neutral third party to facilitate the meeting. The developer shall provide notice of the meeting by first class mail to all property owners within 200 feet at least ten days before the meeting and to physical addresses in the notification area. The property must also be posted with notice of the meeting date, time and location at least ten days before

the meeting date. A written report of the meeting must be submitted with the Level II application.

(3) *Plan submittal.* Plan submittal for Level II development projects in the CBD/DDR shall be as set forth in subsection 7-5-9(b)(3) of this chapter. Developments with phased components shall be required to also submit a phased master plan.

(4) *Action by the Technical Review Committee.* Conceptual plans for development requiring Level II project review in the CBD/DDR shall be submitted and reviewed by the Technical Review Committee in accordance with subsections 7-5-9(b)(3)(d), although the Technical Review Committee does not issue final approval. The development plans, recommendations and comments from the Technical Review Committee are forwarded to the Downtown Commission for consideration and review.

(5) *Action by the Downtown Commission.* Upon receipt of the conceptual development plan and the approval of the Technical Review Committee, the Downtown Commission shall schedule a public hearing to receive comments regarding the proposed project. Review and action shall be taken in accordance with subsections 7-5-10(b) *Major Works.* The Downtown Commission shall act on the proposed development application within 120 days of receipt. Following a completed review, the plans shall be forwarded to the Planning and Zoning Commission for a decision.

(6) *Action by the Planning and Zoning Commission.* Upon receipt of the conceptual development plan and the recommendation from the Technical Review Committee and the Downtown Commission, the Planning and Zoning Commission shall schedule a public hearing to receive comments regarding the proposed project. The public hearing shall be scheduled for the next available meeting of the Commission. The Commission shall review the conceptual site plan for compliance with applicable standards.

(7) *Final review by the Technical Review Committee.* Following approval of the application and conceptual development plan by the Planning and Zoning Commission, a detailed development plan shall be submitted to the Technical Review Committee for review and approval prior to permit issuance.

(8) *Public notification.* Notice for all public hearings required under this section for Level II site plan review in the CBD/DDR (excluding the required developer's neighborhood meeting) shall be provided in accordance with the provisions of section 7-5-20 of this chapter, except that public hearings held by the Downtown Commission shall be exempt from published notice requirements.

(9) *Variances.* Variances requested in conjunction with a Level II site plan under this section shall be considered by the Planning and Zoning Commission, serving as the Board of

Adjustment and acting in accordance with the provisions of section 7-6-1. The Downtown Commission shall provide feedback to the applicant on the proposed variance.

(10) *Appeals.* Appeals of Level II site plans under this section shall be made to the Board of Adjustment in accordance with the provisions of section 7-6-2.

(11) *Approvals.* Approvals shall be valid for 24 months from the date of approval by the Planning and Zoning Commission. Failure to obtain a zoning permit or otherwise begin the permitted use within this time shall render the approval void. The planning and urban design director shall grant a single extension of this time period of up to six months upon submittal by the applicant of sufficient justification for the extension. Nothing herein shall be construed to extend any time limitations prescribed by statute or by other ordinances of this chapter.

(13) *Violations.* Violations of the approved Level II site plan shall be considered a violation of this chapter and be subject to the enforcement and penalty provisions of article XVIII of this chapter.

(c) Level I site plan review process.

(1) *Purpose and application.* This Level I approval is required for development projects on parcels zoned Central Business District and located in the Downtown Design Review Overly District (CBD/DDR). This review process is required for the following categories of proposed developments:

a. All new construction, changes of use to a higher impact, or additions not meeting the threshold for Level II site plan review.

b. Changes that modify the exterior walls and/or roof of an existing building.

c. Renovations with a total cost exceeding 75 percent of the appraised value of the building, as determined by the Buncombe County Tax Assessor or by an MAI-certified real estate appraiser.

d. Developments which meet all of the following criteria shall be considered one development and shall be reviewed as a Level I project under this Section:

1. The proposed development and a previously approved development are located within 500 feet of each other; and
2. The proposed development and a previously approved development represent different phases of a larger plan that may, or may not, include shared parking facilities, access, utilities or walls ; and
3. The application for the proposed development is received within three years of the issuance of a certificate of occupancy for a previously approved development.

e. Development projects that require site and/or landscape compliance as referenced in section 7-11-1; section 7-11-3; and section 7-11-10 of this chapter.

(2) *Pre-application procedure.*

a. A predevelopment conference with the planning staff prior to the preparation of development plans is recommended.

b. It is highly recommended that the developer meet with representatives of the area in which the proposed project is located. This meeting should be held prior to project submittal. The developer is responsible for providing notification to property owners of such a meeting. It is recommended that this notification be done in accordance with subsection 7-5-9.1(b)(2)(b) above.

(3) *Plan submittal.* Plan submittal for Level I plan review in the CBD/DDR shall be as set forth in subsection 7-5-9(c)(3).

(4) *Staff review.* Plans for development requiring Level I review in the CBD/DDR shall be reviewed in accordance with subsection 7-5-9(c)(4) of this chapter except that prior to obtaining any permits, the plans must be reviewed by designated staff for compliance with downtown design standards.

(5) *Public notification.* Public notice shall not be required for Level I review in the CBD/DDR.

(6) *Downtown Commission review.* Applications for Level I review are not subject to review by the Downtown Commission.

(7) *Variances.* Variances requested in conjunction with a Level I site plan under this section shall be considered by the Planning and Zoning Commission, serving as the Board of Adjustment and acting in accordance with the provisions of section 7-6-1. The Downtown Commission shall provide feedback to the applicant on the proposed variance.

(8) *Appeals.* Appeals of Level I site plans shall be made to the Board of Adjustment in accordance with the provisions of section 7-6-2.

(9) *Approvals.* Approvals for Level I site plan review in the CBD/DDR shall be valid for one year from the date of approval. Failure to obtain a zoning permit or perform substantial work within this time shall render the site plan approval void. The Planning and Urban Design Director may grant a single extension of this time period of up to six months upon submittal by the applicant of sufficient justification for the extension. Nothing herein shall be construed to extend any time limitations prescribed by statute or by other ordinances in this chapter.

(10) *Violations.* Violations of the approved development plan for developments requiring Level I site plan review in the CBD/DDR shall be considered a violation of this chapter and subject to the enforcement and penalty provisions of article XVIII of this chapter.

d. Sec. 7-5-10 shall be revised it its entirety to read:

Sec. 7-5-10. - Downtown design review

(a) *Minor Works.*

(1) *Purpose.* Downtown design (DTDR) minor works review is required for those projects in which the visual character of the structure or grounds is not substantially changed and for those projects related to locally designated historic landmarks as they undergo a separate design review process. The downtown design review procedure seeks to encourage renovation and rehabilitation in a manner that will promote visual harmony, enhance the historical integrity and develop creative design solutions. While the design guidelines will not dictate architectural styles, they will suggest a variety of design options for achieving compatibility within the designated commercial core, gateways, and periphery boundaries. Procedures for cleaning and painting of structures along with minor exterior rehabilitation and repair shall be considered minor works. Except when included with a major work, exterior illumination, landscaping, signage, site design and roofing shall also be considered minor works. All work related to locally designated historic landmark buildings and properties shall be considered minor works projects, regardless of the scope of work. In addition, except when defined as a major work, all other construction work requiring a building, sign, zoning, demolition for buildings less than 5,000 square feet or variance permit must be reviewed as a minor work.

Minor works review will apply to projects that are aligned with designated thresholds for Level I.

(2) *Pre-application conference.* A pre-application conference is recommended prior to submitting an application to conduct work within the downtown design review (DTDR) boundaries. Applicants should call or visit DTDR staff prior to making application to discuss proposed design changes and to determine what level of information is required for submittals.

(3) *Application submittal:*

a. *Filing of application.* An application along with the adopted design guidelines for minor works review will be made available or supplied by designated city staff. A completed application, required drawings, and specifications shall be filed with the Development Service Department to begin the review process. Applicants are strongly encouraged to make application for minor works review at the design phase of the project.

b. *Fees.* No fees are charged for the DTDR review and permitting process.

c. *Information required.* Each application for DTDR minor works review shall include the information described in the check list(s) provided by designated city staff for Level I projects.

(4) *Staff review.* The downtown design review staff shall review the application within ten working days of receipt of the application. Immediately following the review of the application, the minor works review application will be processed.

(5) *Public notification.* No public notification is required for the DTDR minor works review.

(6) *Formal review.* No formal review before the Downtown Commission of DTDR minor works is required under the mandatory review and voluntary compliance program.

(b) *Major works.*

(1) *Purpose.* The review procedure for a major work seeks to encourage rehabilitation and new construction in a manner that will promote visual harmony, enhance the historical integrity, and develop creative design solutions. While the design guidelines will not dictate architectural styles, they will suggest a variety of design options for achieving compatibility within the designated commercial core, gateways, and periphery boundaries. Major works shall be reviewed by the Downtown Commission with a recommendation from the DTDR staff as part of a mandatory review, voluntary compliance program.

(2) *Review required.* A downtown design major works review (DTDR) is required for those projects which involve a substantial change in the appearance of a building, structure, or site, including the demolition or relocation of buildings or structures. A downtown design major works review shall be required for any of the following:

a. All projects meeting the designated thresholds for Level II site plan review and Level III developments.
b. Any structure where the street facing façade(s) is not left structurally intact.
c. Demolition of structures greater than 5,000 square feet.

(3) *Pre-application conference.* A pre-application conference is required prior to conducting work within the downtown design review boundaries. Applicants should call or visit the DTDR staff prior to making application to discuss proposed design changes and to determine what level of information is required for submittals.

(4) *Application submittal.*

a. *Filing of application.* An application for major works review and adopted design guidelines are available online or may be supplied by designated city staff. When completed, the application, required drawings, and specifications shall be submitted at the Development Services Department to begin the review process and scheduling for formal review by the Downtown Commission.

Applicants are strongly encouraged to make application for major works review at the design phase of the project.

b. *Fees.* Fes are charged for the DTDR review and permitting process in accordance with the Fees and Charges manual.

c. *Information required.* Each application for DTDR major works review shall include the information on the standard check lists for Level II and Level III projects, building elevations, building sections and context analysis. Applicants may wish to submit a project model including nearby affected properties.

(5) *Review.* The designated staff shall review the application within ten working days of receipt. Immediately following the review of the application, staff will schedule a formal review of the application for the next available regular meeting of the Downtown Commission.

In addition to staff review, applicants are strongly encouraged to request a review by the design subcommittee of the Downtown Commission for pre-review and feedback prior to review by the full Downtown Commission.

(6) *Public notification.* The Downtown Commission shall notify property owners adjacent to the development site in accordance with the requirements outlined in 7-5-20, except that published notice shall not be required.

(7) *Formal review.* The Asheville Downtown Commission will meet monthly to review and vote on major works proposed within the designated downtown design boundaries. Applicants are encouraged to prepare a presentation to be given at this review. No city permits can be processed or variances heard until this formal review with the commission is completed.

e. **Sec. 7-5-20 shall be revised it its entirety to read:**

Sec. 7-5-20. Notices and public hearings.

(a) *General notice requirements.*

(1) All notices which this chapter requires for public or quasi-judicial hearings shall identify the date, time and place of the hearing and the nature and character of the proposed action. Where the action being taken concerns a particular property or properties, the notice shall also identify the location of the subject property.

(2) Where specific notice requirements are set forth in the North Carolina General Statutes for a particular type of public or quasi-judicial hearing, the requirements set forth in the North Carolina General Statutes shall be followed. Where these requirements conflict with procedures as stipulated in this subsection or elsewhere in this chapter, the requirements contained in the North Carolina General Statutes will control.

(b) *Notice procedure.* The following guidelines detail the notification procedure to be followed for public hearings required by this chapter unless otherwise set forth in this chapter. Failure to follow procedures set forth in this section, other than those required by the North Carolina

General Statutes, shall not affect the validity of any action taken at a public or quasi-judicial hearing or public meeting.

(1) *Published notice.* Notice for hearings required by this chapter shall be published in a newspaper of general circulation no later than ten days prior to the date on which the application is to be considered. Hearings held by the Downtown Commission shall be exempt from this notice requirement.

(2) *Mailed notice.* First class mailed notice for public and quasi-judicial hearings required by this chapter shall be provided to the person or entity whose application or request is the subject of the hearing, to the owner of the property that is the subject of the hearing if the owner did not initiate the hearing and owners of all properties located within 200 feet of the subject property as said owners are shown on the county tax listings. Such notice shall be mailed no later than ten days before the scheduled date of the hearing. This notice shall also be mailed to the contact person(s) for the neighborhood(s) in which the development is proposed, if the contact person(s) is (are) known to the Planning and Urban Design Department.

(3) *Posted notice.* A sign (or signs) providing information concerning a public or quasi-judicial hearing required by this chapter will be posted on property which is the subject of said hearing no later than ten days before the date on which the hearing is to occur. The sign(s) shall be prominently placed on the subject parcel or on an adjacent public street or highway right-of-way. When multiple parcels are involved, a posting on each individual parcel is not required, but the city shall post sufficient notices to provide reasonable notice to interested persons.

(c) *Special notice requirements for telecommunications towers/structures.* For any public hearing for conditional use applications for telecommunication towers and concealed telecommunication support structures, as required by section 7-16-2 hereinafter, additional notice and public hearing requirements shall be provided as set forth in section 7-16-2 of this chapter.

f. Sec. 7-5-21 shall be removed in its entirety.

g. Sec. 7-6-2(b) shall be amended to read as follows:

(b) *Decisions which may be appealed.* Any order, requirement, decision, or determination made by an administrative officer or other boards or commissions charged with enforcing the provisions of this chapter may be appealed to the board of adjustment as set forth herein.

h. Sec. 7-7-8 shall be revised in its entirety to read:

Sec. 7-7-8. Conditional zoning.

(a) *Purpose.* Conditional zoning is established to provide for flexibility in the development of property while ensuring that the development is compatible with neighboring uses. Conditional zoning affords a degree of certainty in land use decisions not possible when rezoning to a general use district. Additional conditions, standards and regulations are attached to a proposed development to ensure that the activities and operations are compatible with the surrounding uses and with applicable adopted plans in accordance with the requirements of this section.

(b) *Conditional zoning districts.* Conditional zoning is available to any of the general zoning classifications enumerated in this ordinance, except for those that require a master plan as part of the application (e.g. Urban Village). Expansion zoning districts are only allowed as conditional zoning districts for Level III projects. Applicants for Level III projects shall select the most applicable expansion district based on the proposed use(s). The conditional zoning designation shall be indicated on all zoning maps and other official documents with the suffix, "CZ" (e.g. RM-8 CZ; IND CZ; COM EXP CZ).

(c) *General requirements.* The following provision shall apply in the administration of conditional zoning.

(1) A conditional zoning application shall be considered only upon submittal of a complete application by the owner of the affected property or a duly authorized representative of the property owner.

(2) Development plans shall be prepared by a licensed design professional and shall be prepared in accordance with the Unified Development Ordinance ("UDO"), the City of Asheville Standard Specifications and Details Manual, other applicable city ordinances, city policies and state law.

(3) All standards and requirements of the corresponding general use zoning district or expansion district shall be met, except to the extent that the conditions imposed by the conditional zoning may be more or less restrictive than the development standards if such conditions comply with the comprehensive plan or other adopted plans, and/or except where the requirements are modified in accordance with subsection 7-7-8(c)(6). A conditional zoning involving an expansion district must meet all standards and requirements of the expansion district.

(4) No uses shall be permitted except those enumerated in the ordinance adopting the conditional zoning.

(5) The conditions agreed upon pursuant to the conditional zoning approval shall be stated in the adopting ordinance and may limit the uses which are permitted on the property. By way of illustration and not limitation, conditions may specify location on the property of the proposed structure(s), the number of dwelling units, the location and extent of supporting facilities such as parking lots, driveways, access streets, and sidewalks, the location and extent of landscaping, buffer areas and open space, the timing of development, the height of structures, the design and orientation of

structures, the location and extent of rights-of-way and other areas to be dedicated for public purposes, and other such matters as may be identified as appropriate for the proposed development.

(6) Minor modifications to the approved site plan may be reviewed and approved administratively provided that they do not involve a change in permitted uses, changes in overall density or substantial changes to the configuration of the development that affect the operation or impacts of the development. Any other modification of the conditions and standards in a conditional zoning district shall be approved by the City Council following this review process as an amendment to the conditional zoning ordinance and may be referred to the Technical Review Committee as appropriate. The Planning and Urban Design Director shall in every case have the discretion to decline to exercise the power to approve minor modifications as provided for herein, and may require the applicant to seek an amendment to the conditional zoning ordinance.

(7) When adopting or rejecting any zoning amendment, the City Council shall also approve a statement describing whether its action is consistent with an adopted comprehensive plan and any other officially adopted plans that are applicable, and briefly explain why the council considers the action taken to be reasonable and in the public interest. That statement is not subject to judicial review.

(8) Any violation of a provision of a conditional zoning ordinance shall be treated the same as any other violation of this chapter and shall be subject to the same remedies and penalties as any other such violation.

(9) If no action has been taken to obtain a zoning permit or otherwise begin development of the property in accordance with the conditional zoning ordinance within 24 months of its approval by city council, the planning and urban design director may initiate appropriate action to rezone the affected property to any other classification. The conditional zoning ordinance may provide a specific duration of the approval. Appropriate approval conditions may be added to guarantee site maintenance and security. Nothing herein shall be construed to extend any time limitations prescribed by statute or by other ordinances in this chapter.

(10) If the use(s) commenced pursuant to a conditional zoning ordinance is abandoned or discontinued as described in Article 17 the Planning and Urban Design Director may initiate appropriate action to rezone the affected property to any other classification or the applicant may seek an amendment to the conditional zoning approval by following the process outlined in this chapter.

(11) No variances or conditional use permits may be issued for developments on property that is subject to a conditional zoning ordinance.

(d) *Pre-application procedure.*

(1) *Pre-application conference.* All applicants for conditional zoning are required to schedule and attend a pre-application conference with city staff prior to submittal of the complete application. These conferences allows the applicant and staff an opportunity to discuss the rezoning request, the requirements for completing the review schedule, contact persons for services and permits, and information regarding site plans, landscaping, and development requirements.

The staff can also determine if any special reviews will be required, such as reviews by the Historic Resources Commission, the Tree Commission, Asheville Area Riverfront Redevelopment Commission, or Downtown Commission.

(2) *Neighborhood meeting.* The developer is required to meet with representatives of the neighborhood in which the proposed project is located. This meeting is to allow the developer to explain the proposed project, be informed about neighborhood concerns, and explore opportunities to address those concerns in cooperation with the neighborhood. The meeting must be held at the pre-application stage no more than four months prior to and no less than ten days before the submittal date and must be at a location and time designed to allow interested neighbors to attend. It is recommended, but not required, that the developer retain a neutral third party to facilitate the meeting. The developer shall provide notice of the meeting by first class mail to all property owners within 200 feet at least ten days before the meeting and must post the site with notice of the meeting date, time and location. A written report of the meeting must be submitted with the conditional zoning application.

(e) *Plan submittal.* When applying for conditional zoning, the owner shall specify the nature of the proposed development and shall propose conditions to ensure compatibility with the surrounding uses and consistency with adopted plans. Applications for conditional zoning shall be processed, considered, and voted upon using the same procedures and subject to the same requirements as those established in this article for zoning map and zoning text amendments, except as provided below:

(1) *Conditional zoning application requirements.*

a. A development plan(s) for a proposed project shall be prepared by a licensed design professional and shall be prepared in accordance with the Unified Development Ordinance ("UDO"), the City of Asheville Standard Details and Specifications Manual, other applicable city ordinances, city policies and state law.

b. A complete application packet containing all information as required by the designated staff shall be submitted according to the published schedule of the Technical Review Committee.

c. The application must also include a notation of the deed number of the subject property(s) with book and page reference as listed with the Buncombe County Register of Deeds.

(2) *Review by the Technical Review Committee.* The development plan(s) shall be submitted and reviewed by the members of the Technical Review Committee. The development plan(s), recommendations and comments shall be forwarded to the Planning and Zoning Commission unless review by another body is required.

(3) *Review by others.* If other review bodies are required to consider the application, the project will be forwarded to that body and reviewed according to procedures established for that body before advancing to the Planning and Zoning Commission.

(4) *Review by the Planning and Zoning Commission.* Following review by the Technical Review Committee and other bodies, as required, the Planning and Zoning Commission shall hold a public hearing on the application for conditional zoning. Notice of the public hearing shall be provided in accordance with the provisions of section 7-5-20 of this chapter. After holding the public hearing, the Planning and Zoning Commission may recommend approval of the application, including recommending conditions for the zoning; recommend denial of the application; or continue the consideration of the application in order to receive further information. If recommending approval or denial of the application, the Planning and Zoning Commission must provide a written recommendation addressing the consistency of the proposal with the comprehensive plan and other adopted plans.

(5) *Review by City Council.* Upon receipt of the recommendations from the Planning and Zoning Commission, the City Council shall hold a public hearing on the application for conditional zoning. Notice of the public hearing shall be provided in accordance with the provisions of section 7-5-20 of this chapter and the North Carolina General Statutes.

The City Council's consideration of an application for conditional zoning is legislative in nature, and the Council may consider any relevant information in its deliberations.-Consideration shall be given to adopted land use plans for the area, small area plans, corridor plans, and other land use policy documents, and to surrounding land uses. The Council may adopt or not adopt a conditional zoning ordinance, or may continue its consideration of the application as necessary or appropriate.

(6) *Conditions.* During the adoption of a conditional zoning ordinance, specific conditions may be proposed by the petitioner, City Council, Planning and Zoning Commission or city staff, but only those conditions mutually approved by City Council and the petitioner may be incorporated into the zoning regulations and permit requirements. Conditions and site-specific standards imposed in a conditional zoning district shall be limited to those that address the conformance of the development and use of the site to city ordinances, an officially adopted

comprehensive or other plan and those that address the impacts reasonably expected to be generated by the development or use of the site.

(7) *Final review by the Technical Review Committee.* Prior to the issuance of any permits, the applicant must submit detailed plans incorporating all conditions to the Technical Review Committee for final review.

(8) *Map Amendment.* Upon adoption of a conditional zoning ordinance, the official zoning map of the City of Asheville shall be amended to add the conditional zoning district. The City Clerk shall maintain a book or other official record for conditional zoning ordinances, and each conditional zoning ordinance shall be filed therein. Failure to comply with this provision shall not render the ordinance invalid.

If approved by the City Council, no permits may be issued on the subject property until the property owner has recorded the approved plan and conditions pertinent to the specific property at the Buncombe County Register of Deeds, including a notation of the pertinent deed number with book and page reference.

(10) *Perpetually binding.* The conditional zoning ordinance adopted as provided herein shall be perpetually binding upon the affected property unless subsequently changed or amended as provided for in this chapter.

(11) *Legislative review.* Conditional zoning ordinances are legislative in nature, and judicial review of conditional zoning ordinances shall be as provided by law.

i. Sec. 7-8 title shall be changed to read:

ARTICLE VIII. GENERAL USE AND EXPANSION DISTRICTS

j. Sec. 7-8-1 Table of Permitted Uses shall be revised in the following ways:

1. Under the ***lodging*** heading add: "Lodging facilities: 20 guest rooms or less" and denote "P" (permitted) in the cells corresponding to the following general zoning districts: CB1, CB2, NCD, HB, RB, CI, CBD, RSRT, INST, RIV, UV, UP

2. Add the following new district categories with corresponding columns: CBD EXP, INST EXP, COM EXP, RES EXP, IND EXP, LODG EXP, MXD EXP

3. Under the ***other use types*** heading add: "Level III Development" and denote "P" (permitted) in the cells corresponding to the following expansion districts: CBD EXP, INST EXP, COM EXP, RES EXP, IND EXP, LODG EXP, MXD EXP

k. Sec. 7-8-1(b) be amended to read as follows:

(b) *Enumeration and descriptions of zoning districts.* There are three types of zoning districts:
(1) General use districts . . .
(2) Overlay districts . . .
(3) Conditional districts are zoning districts which provide for flexibility in the development of property while ensuring that the development is compatible with neighboring uses. Conditional zoning districts are available for any of the general use zoning classifications enumerated in this ordinance; moreover, there are certain conditional districts that are not associated with an existing general use district and may only be considered with Level III developments. These districts include:

Central Business Expansion District
Institutional Expansion District
Commercial Expansion District
Residential Expansion District
Industrial Expansion District
Lodging Expansion District
Mixed Use Expansion District

l. Article XIII be amended with the addition of the following expansion districts:

Sec. 7-8-40. Central Business Expansion District

(a) *Purpose.* The Central Business Expansion District (CBD EXP) is reserved for those projects that meet the definition of a Level III development within the boundaries of the Central Business District ("CBD"). The CBD is the primary retail, office, hotel, institutional, cultural and entertainment center of our community. There is also a sizable and growing residential population often located in higher density multifamily developments. A high priority is placed on design and placemaking by integrating new development with existing architecture in a respectful and cohesive manner. Design review guidelines in place for the downtown area remain as a companion document for consideration of these applications. Development within this district should facilitate the multimodal circulation patterns and access needs of the sizable pedestrian population. The Central Business District Expansion District is a conditional district that is applied for through a rezoning application.

(b) *Allowable land uses.* All permitted uses in the Central Business Expansion District are identified in the following table and the Table of Permitted Uses, Sec. 7-8-1(d):

Residential Uses	Dwellings, multifamily; Dwellings, townhouse
Public and Institutional Uses	Convention Center, Colleges, Fire/Police Stations, Government Uses, Libraries, Museums, Performance Center, Places of Worship, Shelters, Arenas
Recreational Uses	Parks, Plazas, Greenways
Commercial/Business/ Office Uses	All uses allowed in the Central Business District (see 7-8-1) within the Table of Permitted Uses are permitted in the CBD EXP, Lodging – 21 rooms or greater.

Other	Parking lots, Parking structures, Wireless telecommunication facilities, microcell, co-locate

(c) *Reserved.*

(d) *Prohibited uses.* All uses prohibited in the Central Business District (sec 7-8-1) within the Table of Permitted Uses are expressly prohibited in the CBD EXP.

(e) *Special Standards.* Special standards found in 7-16-1,for 'eating and drinking establishments', 'gasoline sales', and 'microbrewery' in the Central Business District also apply to Central Business Expansion District developments.

(f) *Development standards.* All proposals in the Central Business Expansion District shall meet the following development standards.

(1) *Density standards.* None.

(2) *Structure size standards.* Structure size shall not be limited except that height and design and operational standards shall apply.

(3) *Lot size standards.* None.

(4) *Lot width standards.* None.

(5) *Setback standards.* The following minimum setbacks shall be required for uses in the Central Business District.

Front:
Minimum setback: Zero feet from the right-of-way line. For corner lots buildings are to be placed at the corner.
Maximum setback: Five feet from the right-of-way line as needed to expand the sidewalk width or provide space for building and use encroachments. The City Council may consider allowing greater setbacks under one or more of the following circumstances:

a. A setback of up to 50 feet from the edge of the curb may be approved for places of worship, civic and governmental buildings, and residential projects that will provide a public space, such as a courtyard or plaza space.

b. A setback of up to 30 feet for uses in the district providing courtyard or plaza spaces in the setback area.

Courtyard and plaza areas should meet definitions located in 7-2-5 of this chapter which describe form and purpose. The main facade of the building must face this setback area.

c. An adopted plan or other official document of the city recommends a greater setback.

Side: None required, except that a 15-foot setback will be required when adjacent to residentially zoned property.

Rear: None required, except that a 15-foot setback will be required when adjacent to residentially zoned property.

(6) *Impervious surface standards.* None.

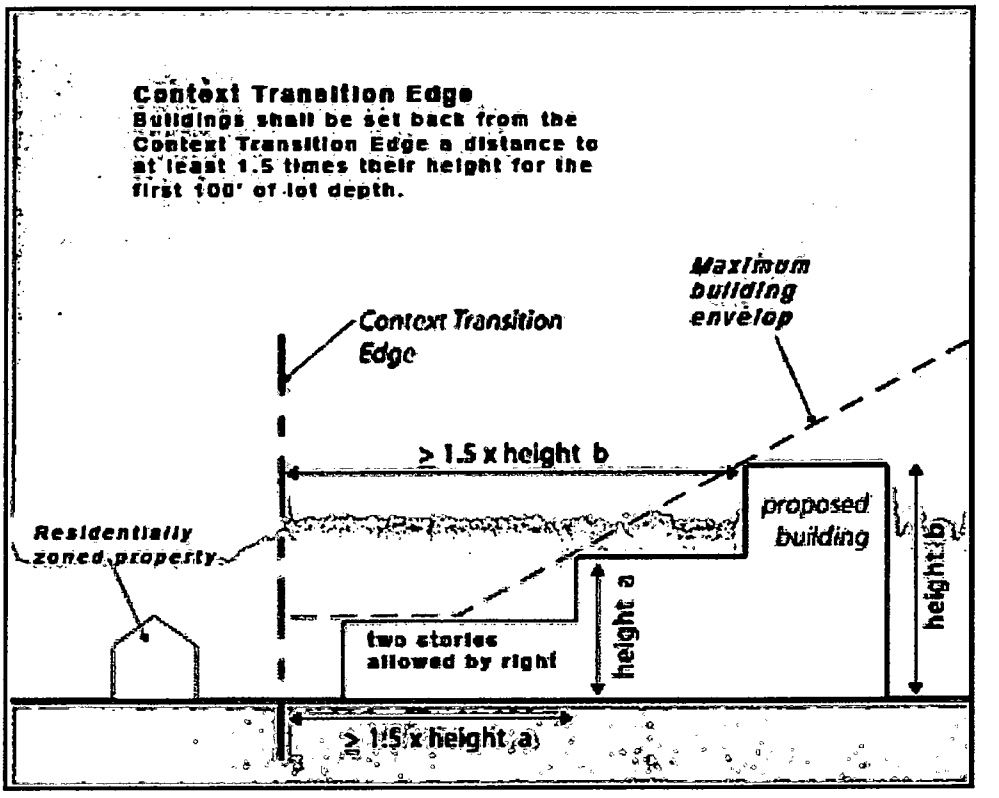
(7) *Height standards.* For the definition of height see building height in section 7-2-5 of this chapter. The minimum height for new structures in the Central Business District will be two stories (a minimum of 24 feet). Maximum building height will be determined according to the context transition edge map, the height zone map, the height zone edge setback and shadow impacts described below and with maps following this section.

a. The two-story requirement for new construction will mean that:

1. A second floor is provided as a full occupiable floor and a mezzanine level will not be sufficient to meet this requirement; and

2. Civic uses such as places of worship, arenas, auditoriums, and performance centers will not be required to meet the two-story requirement described in subsection "1." above.

b. Context transition edge. The first step in determining the height permitted for a structure is to review the context transition edge map found in 7-8-18 to determine if it is applicable to the specific property. This map shows areas where a gradual scale transition is required for new downtown construction from nearby established residential neighborhoods. The map reflects a specific height overlay for properties located near the context transition edge (a 100-foot-wide area measured from the transition line). Buildings located within this transition edge will have their actual height determined by using the formula for height: $H = D/1.5$; (where H is the height of the building and D is the distance from the transition edge). The one exception is that a two-story structure with a 15-foot setback when adjacent to residentially zoned property is exempt from the formula requirements.



c. Height zones - measurement of height: The second step in determining the height permitted for a structure is to review the building height zone map located in section 7-8-18 of this chapter.

1. The intermediate height zone is 145 feet and the tallest height zone is 265 feet.

2. Actual building heights may exceed this height by an additional overall amount of 50 feet to accommodate such uses as the final occupied floor, mechanical penthouses and roof cap features.

d. Height zone edge setback from the right-of-way: To protect certain views in downtown, as illustrated on the height zone map by a dashed line (specific to portions of four streets listed below), a height zone edge setback is established. The height zones for the intermediate height zone and the tallest height zone follow property lines except for the following streets where a height transition between these two zones 40 feet wide measured from the right-of-way line edge will be observed:

1. College Street between the tunnel and Town Mountain Road.

2. Haywood Street between Battery Park Avenue and N. French Broad Avenue (south side).

3. Patton Avenue from Pearl Street to Otis Street (both sides of street) and continuing from Otis Street to the point of Pritchard Park (south side).

4. Hilliard Avenue between Clingman Avenue and Pearl Street (north side).

e. Shadow impact limits: Shadows from new construction on large or small public parks or public plazas are limited by the following standard:

1. Shadows impacts on any one point are limited to no more than two hours between the hours of 10:00 a.m. and 2:00 p.m. on the spring or fall equinox at ground level; March 21 or September 21 respectively.

2. Where no right-of-way exists between the proposed project and the public park or plaza, a 50-foot buffer free of any shadow limitations will be observed.

This shadow impact standard will not apply to smaller public spaces such as pocket parks or private plazas, parks and courtyards. See the definition for parks specific to the Central Business District in section 7-2-5 of this chapter for further clarification.

f. One story accessory structures that are in support of a primary use on a site are allowed when:

1. Placement of the accessory structure is behind or to the side of the primary building or in the case of outside dining spaces for restaurants, may be placed at the front of the lot to enhance activity at the sidewalk level, and
2. Fenestration and design requirements if any, apply.

(8) *Landscaping/buffering standards.* Landscaping and/or buffering shall be provided as required by section 7-11-3 of this chapter.

(9) *Parking/loading standards.*

a. Lodging Facilities with 21 or more guest rooms must provide parking for their use(s) according to the parking table found in 7-11-2. Guest drop off areas shall be located at the interior of the site and not along the primary access corridor.
b. Other uses in the district are exempt from off-street parking requirements.
c. No parking is allowed between the building and any abutting street.
d. If provided, loading facilities shall be placed along alleys or streets not identified on the Key Pedestrian Streets map (found in section 7-8-18) or internal to the development site.
e. Parking structures placed on a key pedestrian street shall provide a full habitable story and use along the street-side facade(s) with a minimum depth of 20 feet. Parking structures placed along other streets shall provide this same habitable story or shall comply with the design and operation standards for windows, doors and other openings and design organization requirements for new construction.

(10) *Sidewalk standards.* Sidewalks shall be provided as required by and pursuant to the requirements for sidewalks as set forth in section 7-11-8 of this chapter except that sidewalks shall be a minimum of twelve feet wide along the primary access corridor. Within

the sidewalk area a clear pedestrian zone must be maintained with a minimum width of eight feet.

(11) *Access and mobility standards.* Multimodal access to the development shall be analyzed at the planning stage. Vehicular entries shall be a maximum of 24 feet in width. In addition driveway curb cuts are limited to a single standard driveway per development. Automobile access and services from a rear alley is encouraged. Bike lanes into the development and on internal streets (if applicable) should be a part of the development plan. Access and cross access should be evaluated to connect to adjoining properties to improve roadway capacity, ensure driver safety and mobility options for bicyclists and pedestrians. Stub out connections may be constructed if cross access is not available. Transit shelters should be considered for developments along transit routes coordinated with the Transportation Department. Greenway connections through the development or to nearby existing or planned greenways should be provided for.

(12) *Recreational/open space standards.* None.

(13) *Design and operational standards.* New development proposals within the CBD-CZ district will be evaluated for their ability to meet the following standards within the underlying CBD district:

a. *Street wall and step-back requirements:* In order to enhance the traditional scale of downtown and ensure adequate air and light at the sidewalk level and neighboring properties, a visual demarcation will be established across the facade of the building at a height that is defined as the street wall. Corresponding to this elevation on the facade a step-back across the front or side(s) will be provided and in limited circumstances described below, other alternatives may apply to ensure variety in new construction.

1. Street wall height: The street wall height and specific alternatives are established in the following ways:

a. If the property is located within the Traditional Downtown Core area as illustrated on the map following this section, the street wall will be set at between two and four stories with a recommendation to reflect the height of neighboring buildings;

b. If the property is located outside the Traditional Downtown Core the street wall will be established by a one-to-one relationship to the width of the right-of-way (ROW). For example, a ROW of 50 feet would result in a maximum street wall height of 50 feet. Depending on the site the following scenarios may apply:

1. If a parcel fronts on more than one street, the street wall shall be established by:

a. The ROW width of the key pedestrian street if applicable; or

b. Measuring the ROW from the side of the building with the primary pedestrian entrance.

114.

2. The street wall may wrap around to the side(s) at the same height or be re-established based on the ROW of the side street. For the purposes of this section frontage on a service alley will be treated the same as an internal property line and therefore would not require a street wall step-back, or;

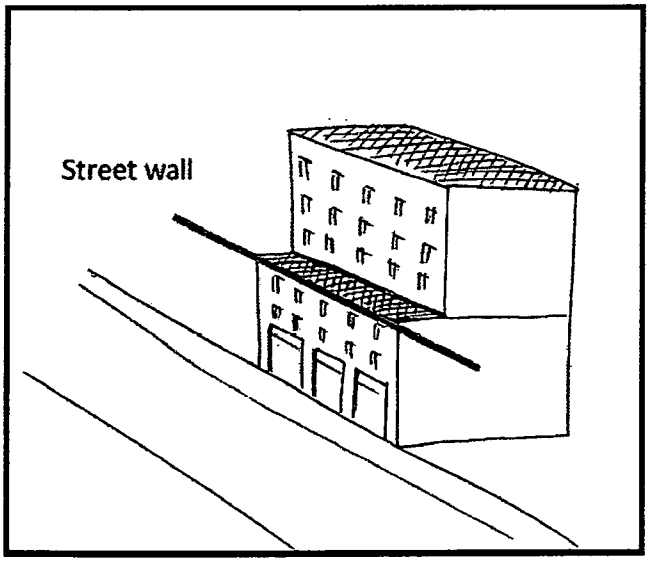
c. Throughout the CBD, a building that provides a setback along the frontage line to create a plaza or courtyard area (minimum depth ten feet), will not be required to establish a street wall. This setback area must exceed two-thirds of the building width along the frontage line; or

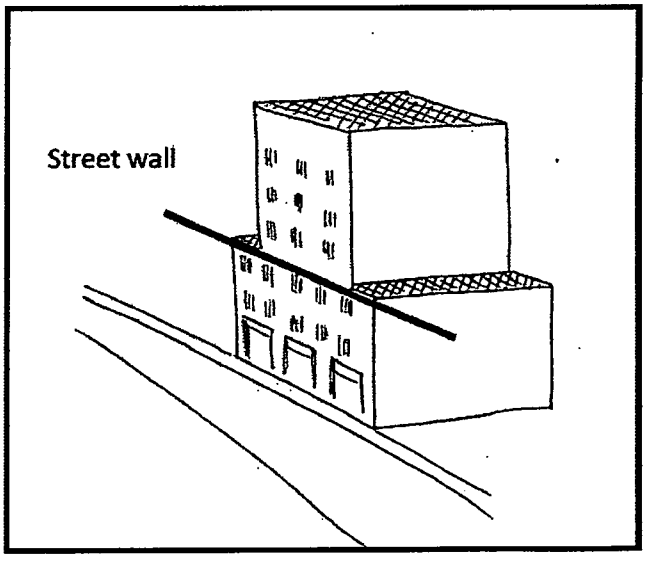
d. For areas outside the Traditional Downtown Core where the ROW area is greater than 75 feet, a building is not required to provide a street wall step-back or side step-back. Buildings in these situations will be required to meet other design and operational standards as applicable; or

e. Throughout the CBD, a proposal may be approved for a special condition from the step-back requirements by meeting design guidelines that specify a clear visual demarcation provided between the base of the building and upper floors corresponding to the height of the street wall; or

f. Throughout the CBD, buildings determined to be signature buildings or proposed for landmark locations as noted on the Public View Corridors map for recommended landmark locations found in 7-8-18 may deviate from stepback standards.

g. When an existing building that is a contributing structure in the downtown national register district will be incorporated into a development proposal that may include a single or multi-story addition, it will be deemed to satisfy the requirement or that portion of the requirement for the streetwall.





2. Step-back requirement: In order to enhance the traditional scale of downtown and ensure adequate air and light at the sidewalk level and neighboring properties a step-back at the street wall height is required according to the following standards. In no case shall the required step-back(s) decrease the buildable area by more than ten percent:

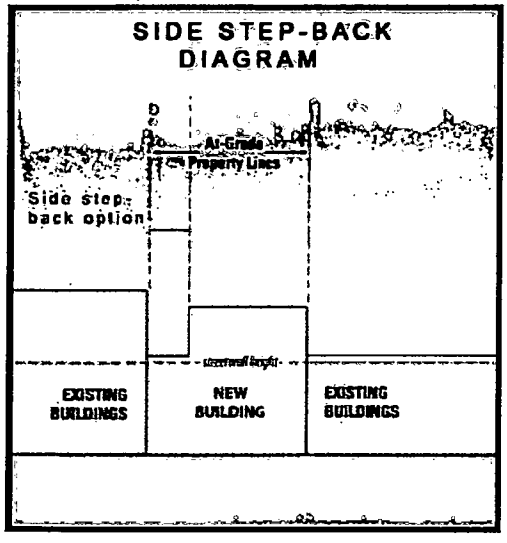
a. At the street wall height a minimum ten-foot-wide step-back is observed along at least two-thirds of the length of the street-side facade (the remaining one-third may be provided at up to two hundred percent (2 X) of the street wall height); or

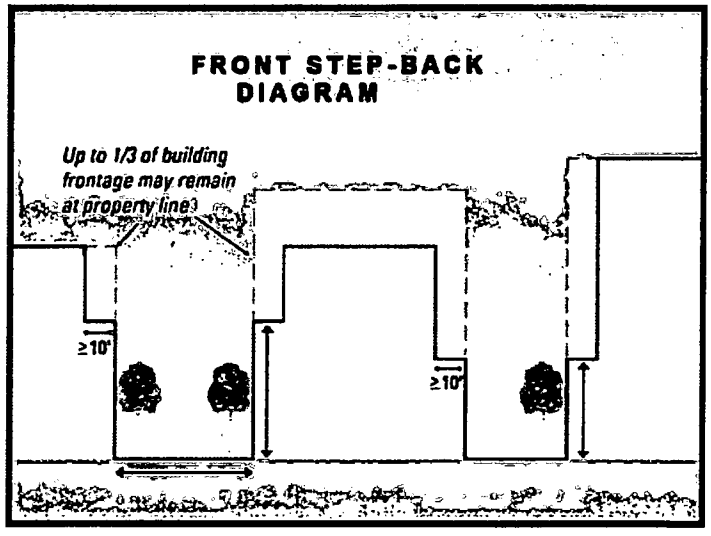
b. A side step-back may be provided as an alternative according to the following requirements as applicable.

1. At the street wall height, a 40-foot-wide step-back is provided along the side of the proposed structure. This 40-foot-wide step-back may be split between two sides (such as 20 feet each side);
2. Buildings taller than 75 feet shall provide a side step-back that equals one-half of the width of the facade above 75 feet*.

* The step-back amount may be split between two sides.

* See street wall height description to determine the height of the corresponding street wall.





3. Design organization: Buildings shall demonstrate a building design organization on each facade such as but not limited to a base-middle-cap organization, vertical articulation or other organizing principle.

Building caps: Downtown Asheville has a wealth of buildings with distinctive caps that use special forms and materials. The unique diversity of building caps has become a defining feature of the downtown skyline. In order to frame views and provide attractive landmarks that enhance the skyline of the downtown area, building caps are required. See the design guidelines regarding building caps for recommendations in addition to the following requirements:

a. Provide a cap to enhance a base-middle-cap oriented design; or

b. Provide a cornice or other decorative band for flat roofs; or

c. Vertical organization of building design is an acceptable alternative.

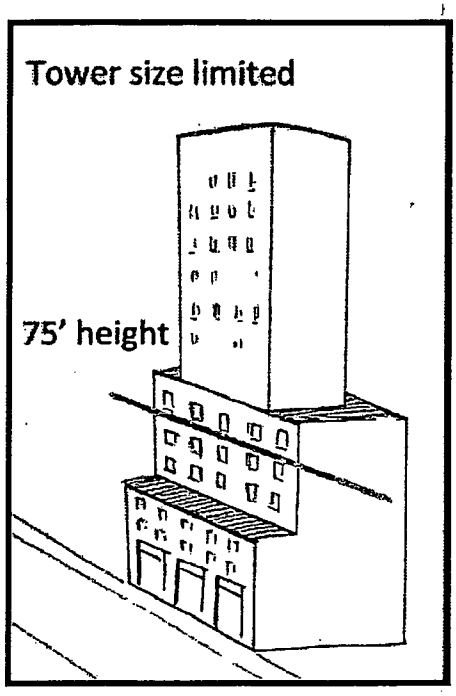
116.

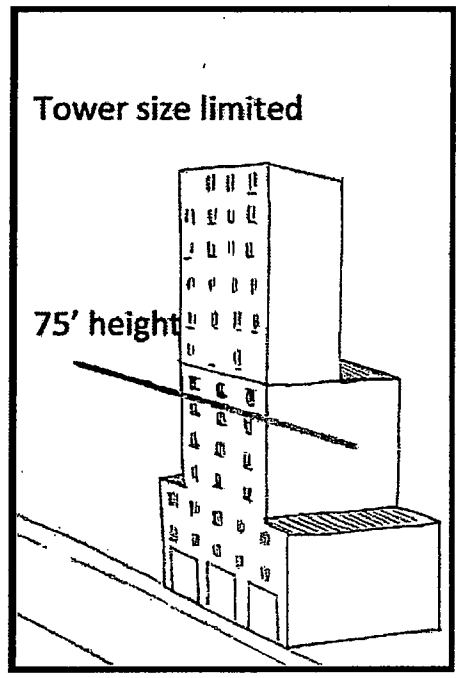
4. Pedestrian entrances: All buildings shall have their primary pedestrian entrance on a frontage line. If the site is located on a key pedestrian street then the primary pedestrian entrance shall be located along that street. See the Asheville Downtown Design Guidelines for additional recommendations.

5. Windows, doors and other openings: Building fenestration is required because it enhances the character of downtown Asheville by providing features of visual interest at the sidewalk for the benefit of pedestrians, by defining the scale of buildings between the ground floor and upper floors and by improving the skyline vista of Asheville. The following requirements apply:

   a. For buildings along streets designated as key pedestrian streets (see map at the end of this section), at least 70 percent of the street-level facade is composed of windows, doors and other openings.
   b. For buildings along streets that are not designated as key pedestrian streets, at least 50 percent of the street-level facade is composed of windows, doors and other openings.
   c. Residential buildings shall provide at least 30 percent (40 percent for live/work units) windows, doors or other openings along the street-level facade unless located along a key pedestrian street where it will be required to meet the 70 percent standard noted above.
   d. All buildings are required to provide a minimum of 20 percent of the upper story areas as windows, doors or other openings with each face calculated independently. This requirement applies to exposed building sides unless otherwise restricted by the NC State Building Code.
   e. At street-level, areas of opaque wall may extend no more than 20 feet horizontally before beginning a window, door or other opening.
   f. Glass may be tinted but shall not be reflective.
   g. When the facade of a building follows the natural grade of a sloping site, windows and other openings which may start out at pedestrian-level quickly go overhead and no longer relate to the sidewalk; in these situations where the surface level of the floor reaches six feet or more above the sidewalk, that floor will be deemed to no longer be at the pedestrian level. Requirements for windows, doors or other openings will be reassessed for the remaining ground level facade length.

b. *Requirements for floors above 75 feet.* The following requirements apply to all floors extending above 75 feet:





1. Floor plate limited:

   a. For parcels 20,000 square feet and larger, the gross floor plate area is limited to 40 percent of the lot area;
   b. For parcels smaller than 20,000 square feet, gross floor plate area may not exceed 8,000 square feet.
   c. For parcels greater than 16,000 square feet, City Council may consider floor plates up to 50 percent if the structure is surrounded by substantial permanent public or private open space that allows for views and access to direct sunlight.

2. Maximum dimension defined: The maximum horizontal wall dimension in any direction is limited to 145 feet for additional floors above the 75 feet.

3. External vista points: Photomontages modeling the proposed building are required from each of the established external vista points as a tool to evaluate development proposals:

   Merrimon Avenue at Gracelyn Street

   College Street at the west side of the tunnel

   Stephens-Lee Recreation Center

   Biltmore Avenue at Short Coxe Avenue

   I-240 at the Smokey Park Bridge

Town Mountain Road at the bridge over I-240

4. Public view corridors: If a project lies within a public view corridor based on the map provided in 7-8-18, a photomontage from the internal vista point is required and where possible, building mass should be oriented to preserve views and roof forms should help to frame views.

c. *Additional site related standards for all projects:*

1. Street furnishings: Street furnishings placed in the public right-of-way shall be approved by the department of public works and will include but not be limited to benches, tree grates, lighting fixtures and waste receptacles.

2. Mechanical equipment and appurtenances necessary for the function of the building shall be enclosed and screened or otherwise designed to be integral with the overall building design, including but not limited to elevators, stairs, cooling towers and vent stacks.

3. The design of the base of a building, as well as the quality and durability of its materials, shall be emphasized at the first floor of structures. Exterior insulation and finish systems (EIFS) are prohibited as a base material.

4. Private dumpsters and freestanding service equipment shall be screened by solid partitions or other screening.

5. Development on key pedestrian streets shall meet the following requirements:

   For new construction along key pedestrian streets, buildings are required to be constructed along a minimum of 80 percent of the frontage line of the lot. This standard is not intended to restrict site access especially for smaller lots. Access is covered under access standards above. On corner lots the 80 percent frontage requirement applies to the primary street.

(14) *Downtown design review guidelines.* All construction work requiring building, sign, demolition, and zoning permits, within the downtown boundaries designated by the Asheville City Council, shall be submitted for mandatory review, and City Council and developer agreement for compliance with the adopted Downtown Asheville Design Review Guidelines, with the exception of locally designated historic landmarks which shall be reviewed by the Historic Resources Commission of Asheville and Buncombe County in accordance with the applicable review procedures of the historic resources commission.

(15) *Emergency wireless communications.* Communication requirements shall be provided as required by section 7-11-9 of this chapter.

Sec. 7-8-41. Institutional Expansion District

(a) *Purpose.* The Institutional Expansion District (INST EXP) is established for the development of major educational facilities, major medical facilities and other complementary and supporting uses such as health related developments, offices, and public services that meet the definition of a Level III development. Development standards for uses in this district are established to minimize conflict with adjacent land uses. The Institutional Expansion District is a conditional district that is applied for through a rezoning application.

(b) *Allowable land uses.* All permitted uses in the Institutional Expansion District are identified in the following table and the Table of Permitted Uses, Sec. 7-8-1(d):

Residential Uses	Not allowed
Public and Institutional Uses	Assisted living facilities, Institutional, Convention center, Colleges, Fire/Police stations, Government uses, Libraries, Museums, Performance center, Places of worship, Shelters, Arenas, Hospitals
Recreational Uses	Parks, Plazas, Greenways
Commercial/Business/ Office Uses *(Uses in this use category shall be ancillary to the principal use and shall not exceed 3% of the total gross square footage proposed)*	Office, Clinics, Research and technology production uses
Other	Parking lots, Parking structures, Wireless telecommunication facilities, microcell/co-locate

(c) *Reserved.*

(d) *Prohibited uses.* All uses prohibited in the Institutional District (sec 7-8-1) within the Table of Permitted Uses are expressly prohibited in the INST EXP.

(e) *Reserved.*

(f) *Development standards.* All proposals in the Institutional Expansion District shall meet the following development standards.

(1) *Reserved.*

(2) *Structure size standards.* None.

(3) *Lot size standards.* Minimum lot size: one acre.

(4) *Lot width standards.* Minimum lot width: 100 feet.

(5) *Setback standards.* The following minimum setbacks shall be required for uses in the Institutional Expansion District.

Front: 15 feet, except that the minimum setback may be reduced to zero feet in pedestrian-oriented areas where road widening is not anticipated provided that all parking is located to the side or rear and not closer to the street than the facade of the principal structure, and where pedestrian-oriented design features are incorporated in building and site design.

Side: 10 ft.

Rear: 10 ft.

The landscape and buffering standards (section7-11-3) may require additional setback; if so, the most restrictive requirement shall apply.

The minimum spacing between structures shall, in addition, be as per the Asheville Fire Prevention Code.

(6) *Impervious surface standards.* The maximum impervious surface coverage in the Institutional Expansion District shall be 80 percent.

(7) *Height standards.* None required, except as described below in subsection (13).

(8) *Landscaping/buffering standards.* Landscaping and/or buffering shall be provided as required by section 7-11-3 of this chapter.

(9) *Parking/loading standards.* Parking and loading facilities shall be provided as required by section 7-11-2 of this chapter. No parking shall be permitted in any required setback.

(10) *Sidewalk standards.* Sidewalks shall be provided as required by and pursuant to the requirements for sidewalks as set forth in section 7-11-8 of this chapter except that in addition to sidewalks provided along the primary access corridor, sidewalks will be required to connect to the principle uses(s) within in the development and shall meet a ten foot wide minimum standard.

(11) *Access and mobility standards.* Multimodal access to the development shall be analyzed at the planning stage. Vehicular access to the development should be limited to arterials or collector streets with a single driveway connection. Bike lanes into the development and on internal streets (if applicable) should be a part of the development plan. Access and cross access should be evaluated to connect to adjoining properties to improve roadway capacity, ensure driver safety and mobility options for bicyclists and pedestrians. Stub out connections may be constructed if cross access is not available. Transit shelters should be considered for developments along transit routes coordinated with the Transportation Department. Greenway connections through the development or to nearby existing or planned greenways should be provided for.

(12) *Recreational/open space standards.* Open space shall be provided as required by section 7-11-4 of this chapter.

(13) *Design and operation standards.*

a. The front of the building shall be oriented towards the primary access corridor. Building sides should be similar to their fronts. On corner lots the building or portions of the building must be located at the street corner.

b. All buildings shall include a well-defined operable entrance at regular intervals not exceeding 75 feet on each primary façade to encourage access by pedestrians.

c. Fenestration is required along the building façade(s) facing the primary access corridor, for a minimum of 40% of the ground floor horizontal dimension.

d. Within 100 feet of a residentially zoned area, the height of buildings and other structures shall be subject to the height limitations of the residential zone to form a transition area.

e. Trash collection and other delivery functions should be directed away from residentially zoned areas.

(14) *Emergency wireless communications.* Communication requirements shall be provided as required by section 7-11-9 of this chapter.

Sec. 7-8-42. Commercial Expansion District

(a) *Purpose.* The Commercial Expansion District (COM EXP) is established to provide areas for large scale commercial and office developments that meet the definition of a Level III development. This district is intended to encourage innovative design that is integrated with adjacent uses. It is not the intent of the district to encourage strip commercial areas, but rather a concentration of commercial activities with an overall design connected by cross access and shared parking as part of a multimodal development plan. The Commercial Expansion District is a conditional district that is applied for through a rezoning application.

(b) *Allowable land uses.* All permitted uses in the Commercial Expansion District are identified in the following table and the Table of Permitted Uses, Sec. 7-8-1(d):

Residential Uses	Not Allowed
Public and Institutional Uses	Fire/Police stations, Government uses, Libraries
Recreational Uses	Parks, Plazas, Greenways, Recreation Uses-membership
Commercial/Business/ Office Uses	Eating and drinking establishments, Nightclubs, Microbreweries, Recreational uses Commercial, Lodging - 21 or more guest rooms, Campgrounds, Clinics, Clinics veterinary, Movie theaters, Office, Financial services, Flea markets, Funeral homes,

	Retail, Research and technology production uses, Self storage, Studios (Low and High impact), Galleries. Taxi
Industrial	Light industrial, Lumber yards, Motor freight terminals, Wholesale sales, Warehousing
Other	Parking lots, Parking structures, Outdoor storage, drive-thru facilities (subject to additional standards below), Wireless telecommunication facilities, microcell/co-locate

(c) *Reserved.*

(d) *Prohibited uses.* All uses prohibited in the Highway Business District (sec 7-8-1) within the Table of Permitted Uses are expressly prohibited in the COM EXP.

(e) *Drive-thru.* Drive-thru uses, if provided, must be located internally to the development utilizing internal access and avoiding the primary access corridor. In addition, drive thru uses may not be located within 250 feet of residentially zoned property.

(f) *Development standards.* All proposals in the Commercial Expansion District shall meet the following development standards:

(1) *Reserved.*

(2) *Structure size standards.* None.

(3) *Lot size standards.* None.

(4) *Lot width standards.* The minimum lot width shall be 100 feet. For through and corner lots, the minimum street frontage shall be required along the property line abutting the larger thoroughfare.

(5) *Setback standards.* The following minimum setbacks shall be required for uses in the Commercial Expansion District.

Front: 35 feet, except that the minimum setback may be five feet in pedestrian-oriented areas where road widening is not anticipated provided that all parking is located to the side or rear and not closer to the street than the facade of the principal structure, and where pedestrian-oriented design features are incorporated in building and site design.

Side: None required.

Rear: 10 feet.

Corner lot, street side: Maximum 25 feet.

The landscape and buffering standards (section 7-11-3) may require additional setback; if so, the most restrictive requirement shall apply.

The minimum spacing between structures shall, in addition, be as per the Asheville Fire Prevention Code.

(6) *Impervious surface standards.* None.

(7) *Height standards.* The maximum height of structures in the Commercial Expansion District shall be 80 feet.

(8) *Landscape and buffering standards.* Landscape and buffering shall be provided as required by section 7-11-3 of this chapter.

(9) *Parking and loading facilities.* Parking and loading facilities shall be provided as required by section 7-11-2 of this chapter. Parking lots shall be located to the side or rear of all building(s) fronting the primary street(s), and are encouraged to be placed to the side or rear of all buildings located along the internal access routes (as applicable).

(10) *Sidewalk standards.* Sidewalks shall be provided as required by and pursuant to the requirements for sidewalks as set forth in section 7-11-8 of this chapter except that in addition to sidewalks provided along the primary access corridor, sidewalks will be required to connect to the principle uses(s) within in the development and shall meet a minimum standard width of ten feet.

(11) *Access and mobility standards.* Multimodal access to the development shall be analyzed at the planning stage. Vehicular access to the development should be limited to arterials or collector streets with a single driveway connection. Bike lanes into the development and on internal streets (if applicable) should be a part of the development plan. Access and cross access should be evaluated to connect to adjoining properties to improve roadway capacity, ensure driver safety and mobility options for bicyclists and pedestrians. Stub out connections may be constructed if cross access is not available. Transit shelters should be considered for developments along transit routes coordinated with the Transportation Department. Greenway connections through the development or to nearby existing or planned greenways should be provided for.

(12) *Recreational/open space standards.* Open space shall be provided as required by section 7-11-4 of this chapter.

(13) *Design and operation standards.*

a. The front of the building shall be oriented towards the primary access corridor. Building sides should be similar to their fronts. On corner lots the building or portions of the building must be located at the street corner.

b. All buildings shall include a well-defined operable entrance at regular intervals not exceeding 75 feet on each primary façade to encourage access by pedestrians.

c. Fenestration is required along the building façade(s) facing the primary access corridor, for a minimum of 40% of the ground floor horizontal dimension.

d. Within 100 feet of a residentially zoned area, the height of buildings and other structures shall be subject to the height limitations of the residential zone to form a transition area.

e. Trash collection and other delivery functions should be directed away from residentially zoned areas.

f. There should be general compatibility with an adopted form based code (if any) or other adopted plans or design guidelines in place for the project area.

(14) *Emergency wireless communications.* Communication requirements shall be provided as required by section 7-11-9 of this chapter.

Sec. 7-8-43 Residential Expansion

(a) *Purpose.* It is the intent of the Residential Expansion District (RES EXP) to permit a full range of high density single and multi-family housing for developments that meet the definition of a Level III development. It is intended that proposals in this district include a broad range of housing types and be located near employment centers, shopping facilities, roads and other urban infrastructure capable of handling the demand generated by higher density residential development. The Residential Expansion District is a conditional district that is applied for through a rezoning application.

(b) *Allowable land uses.* All permitted uses Residential Expansion District, are identified in the following table and the Table of Permitted Uses, Sec. 7-8-1(d):

Residential Uses	Dwellings, duplex/triplex/quadraplex, Dwellings multifamily, Dwellings, townhouse, Dwellings, single-family detached, Cottage developments
Public and Institutional Uses	Police/Fire stations, Libraries, Community centers, Schools
Recreational Uses	Parks, Plazas, Greenways
Commercial/Business/ Office Uses	Home occupation, Homestay
Industrial	Not Allowed
Other	Parking lots, Parking structures

(c) *Reserved.*

(d) *Prohibited uses.* All uses prohibited in the Residential Multifamily High Density District (RM-16) (section 7-8-1) within the Table of Permitted Uses are expressly prohibited in the RES EXP.

(e) *Reserved.*

(f) *Development standards.* All proposals in the Residential Expansion District shall meet the following development standards:

(1) *Density standards.* The maximum residential density per acre within the Residential Expansion District shall be 20 dwelling units; or 50 dwelling units if 20 percent of the dwelling units meet affordability standards set by the City for households earning 80% or less of Area Median Income. Affordable units must be affordable to and leased to

income eligible households for at least 15 years. For sale units must be available to income qualified households for the initial sale.

(2) *Structure size standards.* None required.

(3) *Lot size standards.*

a. Multifamily development: one acre

b. Single family development: 3,500 square feet.

(4) *Lot width standards.* Minimum lot width: 40 feet.

(5) *Setback standards.* The following minimum setbacks shall be required for uses in the Residential Expansion District.

	Multifamily	Single family
Front:	15 ft.	15 ft.
Side:	15 ft.	6 ft.
Rear:	15 ft.	15 ft.

The landscape and buffering standards (section 7-11-3) will apply such that other residentially zoned properties shall be buffered with minimum 'A' buffer

(6) *Impervious surface standards.*

a. Multifamily: Maximum 80%

b. Single family: Maximum 50%

(7) *Height standards.* The maximum height of structures in the Residential Expansion District shall be 60 feet for multifamily developments. For single family structures, building height is limited to 40 feet.

(8) *Landscape and buffering standards.* Landscape and buffering shall be provided as required by section 7-11-3 of this chapter except that a property line 'A' buffer is required for multifamily developments when adjacent to residentially zoned property.

(9) *Parking and loading standards.* Parking and loading facilities shall be provided as required by section 7-11-2 of this chapter. In addition, for multifamily developments, parking is not permitted between the building(s) and the primary access corridor(s). Parking may occur outside of required setbacks along secondary streets or along driveways within the development.

(10) *Sidewalk standards.* Sidewalks shall be provided as required by and pursuant to the requirements for sidewalks as set forth in section 7-11-8 of this chapter except that in addition to sidewalks provided along the primary access corridor, sidewalks will be required to connect to the principle residential buildings within the development and shall meet a ten foot wide minimum standard for multifamily development and a 5 foot wide minimum standard for single family and duplex development.

(11) *Access and mobility standards.* Multimodal access to the development shall be analyzed at the planning stage. Vehicular access to the development should be limited to arterials or collector streets with a single driveway connection for multifamily developments. Developments that propose a single family layout with individual lots or a development that most closely resembles a single family pattern, vehicular access may occur from

local streets with the approval by the City Traffic Engineer. Bike lanes into the development and on internal streets (if applicable) should be a part of the development plan. Access and cross access should be evaluated to connect to adjoining properties to improve roadway capacity, ensure driver safety and mobility options for bicyclists and pedestrians. Stub out connections may be constructed if cross access is not available. Transit shelters should be considered for developments along transit routes coordinated with the Transportation Department. Greenway connections through the development or to nearby existing or planned greenways should be provided for.

(12) *Recreational/open space standards.* Open space shall be provided as required by section 7-11-4 of this chapter except that open space may be scattered throughout the development as provided for in 7-11-4 but at least one common open space with a minimum area totaling 100 square feet per residential unit with park or plaza-type features must be provided.

(13) *Design and operation standards.* It is the intent of the residential expansion district to provide a wide range of housing types within the development. When a proposed project is located adjacent to residentially zoned areas, it should be compatible with the immediate neighborhood context in the following ways: building scale, setback and relative height of structures should transition to the existing neighborhood fabric. The proposed development shall comply with adopted neighborhood plans or design guidelines if applicable.

(14) *Emergency wireless communications.* Communication requirements shall be provided as required by section 7-11-9 of this chapter.

Sec. 7-8-44. Industrial Expansion

(a) *Purpose.* Realizing the importance of large industrial uses to the economy of the City of Asheville and the region, it shall be the purpose of the Industrial Expansion District (IND EXP) to promote areas for the creation of new industrial development that meet the definition of a Level III development. Development standards are established to ensure that land uses located outside the Industrial Expansion District are not affected by the negative impacts of industrial uses. These developments shall be located to capitalize on existing infrastructure and transportation facilities. The Industrial Expansion District is only a conditional district that is applied for through a rezoning application.

(b) *Allowable land uses.* All permitted uses in the Industrial Expansion District are identified in the following table and the Table of Permitted Uses, Sec. 7-8-1(d):

Residential Uses	Dwellings, commercial caretaker
Public and Institutional Uses	Fire/Police Stations, Government uses
Recreational Uses	Parks, Plazas, Greenways
Commercial/Business/ Office Uses *(Uses in this use category shall be ancillary to the principal use and shall not exceed 3% of the total*	Eating and drinking establishments, Microbreweries, Industrial equipment sales, Research and technology production uses

gross square footage proposed)	
Industrial	Concrete plant, Industrial uses, Light industrial, Recycling plant, Lumber yards, Motor freight terminals, Studio, Gallery, Workshop: High Impact, Wholesale sales, Warehousing
Other	Outdoor storage, Parking Lots, Parking Structures, Wireless telecommunication facilities, microcell/ co-locate

(c) *Reserved.*

(d) *Prohibited uses.* All uses prohibited in the River District (sec 7-8-1) within the Table of Permitted Uses are expressly prohibited in the IND EXP.

(e) *Reserved.*

(f) *Development standards.* All proposals in the Industrial Expansion District shall meet the following development standards:

(1) *Density standards.* The maximum residential density per acre within the Industrial District shall be two dwelling units.

(2) *Structure size standards.* None.

(3) *Lot size standards.* Minimum lot size: one acre.

(4) *Lot width standards.* Minimum lot width: 100 feet.

(5) *Setback standards.* The following minimum setbacks shall be required for uses in the Industrial Expansion District.

Front: 30 feet.

Side: None required unless adjacent to residential district, then the setback shall be 50 ft.

Rear: None required unless adjacent to residential district, then the setback shall be 50 ft.

The minimum spacing between structures shall, in addition, be as per the Asheville Fire Prevention Code.

(6) *Impervious surface standards.* None.

(7) *Height standards.* None.

(8) *Landscape and buffering standards.* Landscape and buffering shall be provided as required by section 7-11-3 of this chapter.

(9) *Parking and loading standards.* Parking and loading facilities shall be provided as required by section 7-11-1 of this chapter. No parking shall be permitted in any required front setback.

(10) *Sidewalk standards.* Sidewalks shall be provided as required by and pursuant to the requirements for sidewalks as set forth in section 7-11-8 of this chapter except that in addition to sidewalks provided along the primary access corridor, sidewalks will be required to connect to the principle uses(s) within in the development and shall meet a ten foot wide minimum standard.

(11) *Access and mobility standards.* Multimodal access to the development shall be analyzed at the planning stage. Vehicular access to the development should be limited to arterials or collector streets with a single driveway connection. Bike lanes into the development and on internal streets (if applicable) should be a part of the development plan. Access and cross access should be evaluated to connect to adjoining properties to improve roadway capacity, ensure driver safety and mobility options for bicyclists and pedestrians. Stub out connections may be constructed if cross access is not available. Transit shelters should be considered for developments along transit routes coordinated with the Transportation Department. Greenway connections through the development or to nearby existing or planned greenways should be provided for.

(12) *Recreational/open space standards.* None.

(13) *Design and operation standards.*

a. When located within 250 feet of a residentially zoned area, delivery entrances of a building(s) shall be directed away from residential uses.

b. Exposed sources of light shall be shielded to minimize impacts to neighboring parcels. Site lighting shall comply with the lighting ordinance (section 7-11-10)

c. Outdoor storage of materials is prohibited in the required front setback and within 50 feet of a residential district.

(14) *Emergency wireless communications.* Communication requirements shall be provided as required by section 7-11-9 of this chapter.

Sec. 7-8-45. Lodging Expansion

(a) *Purpose.* The Lodging Expansion District (LODG EXP) is established to provide areas for the development of lodging uses that may also include conference/retreat facilities. This district will provide areas for the development and expansion of lodging facilities that meet the definition for Level III development. Development standards are established to ensure the integration of the lodging use with the surrounding neighborhood and to minimize adverse

impacts on adjacent land uses. The Lodging Expansion District is a conditional district that is applied for through a rezoning application.

(b) *Allowable land uses.* All permitted uses in the Lodging Expansion District are identified in the following table and the Table of Permitted Uses, Sec. 7-8-1(d):

Residential Uses	Dwellings, multifamily
Public and Institutional Uses	Convention center, Performance center
Recreational Uses	Parks, Plazas, Greenways
Commercial/Business/ Office Uses	Eating and drinking establishments, Nightclubs, Recreational uses commercial, Lodging - 21 or more guest rooms, Office
Industrial	Not Allowed
Other	Parking Lots, Parking Structures

(c) *Reserved.*

(d) Reserved.

(e) Reserved.

(f) *Development standards.* All proposals in the Lodging Expansion District shall meet the following development standards:

(1) *Density standards.* The maximum residential density per acre within the Lodging Expansion District shall be 20 dwelling units; or 40 dwelling units if 20 percent of the dwelling units meet affordability standards set by the City for households earning 80% or less of Area Median Income. Affordable units must be affordable to and leased to income eligible households for at least 15 years. For sale units must be available to income qualified households for the initial sale.

(2) *Structure size standards.* None.

(3) *Lot size standards.* Minimum lot size: .75 acres.

(4) *Lot width standards.* Minimum lot width: 100 feet.

(5) *Setback standards.* The following minimum setbacks shall be required for uses in the Lodging Expansion District.

Front: 35 feet, except that the minimum setback may be reduced to five feet in pedestrian-oriented areas where road widening is not anticipated provided that all parking is located to the side or rear and not closer to the street than the facade of the principal structure, and where pedestrian-oriented design features are incorporated in building and site design.

Side: 15 feet.

Rear: 25 feet.

The landscape and buffering standards (section 7-11-3) may require additional setback; if so, the most restrictive requirement shall apply.

The minimum spacing between structures shall, in addition, be as per the Asheville Fire Prevention Code.

(6) *Impervious surface standards.* The maximum impervious surface coverage in the Lodging Expansion District shall be 80 percent.

(7) *Height standards.* The maximum height of structures in the Lodging Expansion District shall be 80 feet except as described below in subsection (13).

(8) *Landscape and buffering standards.* Landscape and buffering shall be provided as required by section 7-11-3 of this chapter.

(9) *Parking and loading standards.* Parking and loading facilities shall be provided as required by section 7-11-2 of this chapter. Guest drop off areas shall be located at the interior of the site and not along the primary access corridor.

(10) *Sidewalk standards.* Sidewalks shall be provided as required by and pursuant to the requirements for sidewalks as set forth in section 7-11-8 of this chapter except that in addition to sidewalks provided along the primary access corridor, sidewalks will be required to connect to the principle uses(s) within in the development and shall meet a ten foot wide minimum standard.

(11) *Access and mobility standards.* Multimodal access to the development shall be analyzed at the planning stage. Vehicular access to the development should be limited to arterials or collector streets with a single driveway connection. Bike lanes into the development and on internal streets (if applicable) should be a part of the development plan. Access and cross access should be evaluated to connect to adjoining properties to improve roadway capacity, ensure driver safety and mobility options for bicyclists and pedestrians. Stub out connections may be constructed if cross access is not available. Transit shelters should be considered for developments along transit routes coordinated with the Transportation Department. Greenway connections through the development or to nearby existing or planned greenways should be provided for.

(12) *Recreational/open space standards.* Open space shall be provided as required by section 7-11-4 of this chapter.

(13) *Design and operation standards.*

a. The front of the building shall be oriented towards the primary access corridor. Building sides should be similar to their fronts. On corner lots the building or portions of the building must be located at the street corner.

b. All buildings shall include a well-defined operable entrance on each primary façade to encourage access by pedestrians. Secondary entrances may face internal drop off or parking areas.

c. Fenestration is required along the building façade(s) facing the primary access corridor, for a minimum of 50% of the ground floor horizontal dimension.

d. Within 100 feet of a residentially zoned area, the height of buildings and other structures shall be subject to the height limitations of the residential zone to form a transition area.

e. Within 100 feet of a residentially zoned area the following facilities may not be located: restaurants, bars and nightclubs, dumpster facilities, loading docks and maintenance facilities.

f. There should be general compatibility with an adopted form based code (if any) or other adopted plans or design guidelines in place for the project area.

Sec. 7-8-46. Mixed Use Expansion

(a) *Purpose.* The Mixed Use Expansion District (MXD EXP) is established to foster higher density, mixed-use development following place-making principles that include: building orientation that creates a strong pedestrian environment; buildings that provide regular entrances and meet fenestration standards; wide sidewalks and street trees to create an attractive streetscape with multimodal access into and around the project area. The Mixed Use Expansion District is appropriate for areas where the design and appearance of the built environment is important to the vitality and growth of the area for proposals that meet the definition for Level III development. The Mixed Use Expansion District is suitable for both vertical mixed-use building and/or a mix of uses in the same development (including single use structures). There should be general compatibility with height and building step-back standards with an adopted form based code (if any) or other adopted plans or design guidelines in place for the project area. The Mixed Use Expansion District is only a conditional district that is applied for through a rezoning application.

(b) *Allowable land uses.* All permitted uses in the Mixed Use Expansion District are identified in the following table and the Table of Permitted Uses, Sec. 7-8-1(d):

Residential Uses	Dwellings, multifamily, Dwellings, townhouse
Public and Institutional Uses	Assisted living facilities, Convention center, Colleges, Fire/Police stations, Government uses, Hospitals, Libraries, Museums, Performance center, Places of Worship, Schools, Shelters, Arenas
Recreational Uses	Parks, Plazas, Greenways, Recreational uses government or membership
Commercial/Business/ Office Uses	Eating and drinking establishments, Nightclubs, Microbreweries, Recreational uses Campground, Commercial, Office, Clinics, Clinics veterinary, Financial services, Health and Fitness,

	Instructional services, Laundry/dry cleaning, Research and technology production uses, Retail, Taxi, Gallery, Studio/workshop: low impact,
Industrial	Light Industrial, Studio, gallery, workshop: high impact
Other	Parking Lots, Parking Structures, drive-thru facilities (subject to additional standards below), Wireless telecommunication facilities, microcell/ co-locate

(c) *Mix of Uses.* To qualify for the mixed use expansion district, a proposal must include a mix of a different development type(s) totaling at least 10 percent of the development square footage. For example, a predominately residential proposal must include commercial or institutional uses totaling 10 percent or more of the development square footage.

(d) *Prohibited uses.* All uses prohibited in the Central Business District (sec 7-8-1) within the Table of Permitted Uses are expressly prohibited in the MXD EXP.

(e) *Drive-thru.* Drive thru uses, if provided must be located internally to the development utilizing internal access and avoiding the primary access corridor. In addition, drive thru uses may not be located within 250 feet of residentially zoned property.

(f) *Development standards.* All proposals in the Mixed Use Expansion District shall meet the following development standards:

(1) *Density standards.* The maximum residential density per acre within the Mixed Use Expansion District shall be 35 dwelling units; or 70 dwelling units if 20 percent of the dwelling units meet affordability standards set by the City for households earning 80% or less of Area Median Income. Affordable units must be affordable to and leased to income eligible households for at least 15 years. For sale units must be available to income qualified households for the initial sale. At least 25% of the gross floor area in the development shall be residential units.

(2) *Building size:* Building size is limited to: A maximum footprint of 75,000 square feet, with a maximum gross floor area of 200,000 square feet for structures with multiple floors.

(3) *Lot size:* Minimum lot size: One acre.

(4) *Lot width:* Minimum lot width: 75 feet.

(5) *Setback standards.*

Front and street side: Minimum zero feet and maximum 25 feet from right-of-way line.

Side: None

Rear: None

(6) *Height standards.* Maximum height six stories or 80 feet, whichever is greater, however the building height will be limited by the maximum height specified in an adopted form based code or other adopted plan (if any) in place for the project area.

(7) *Impervious surface standards.* The maximum impervious surface coverage in the Mixed Use Expansion District shall be 80 percent.

(8) *Landscape and buffering standards.* Landscape and buffering shall be provided as required by section 7-11-3 of this chapter with the exceptions noted below. In the Mixed Use Expansion District, street trees may be placed within tree grates, bulbouts, etc. as a part of a coordinated streetscape design developed with the proposal.

(9) *Parking and loading standards.* Parking and loading facilities shall be provided as required by section 7-11-2 of this chapter with the following additions:

a. Parking shall be provided at the side or rear of the primary structure(s) and not closer to the street than the face or edge of the structure(s). On corner lots, the side of the building that fronts on the secondary street is also considered a front or face of the building.

b. Parking may be provided in the street right-of-way adjoining the property as on-street parking with the approval of the city traffic engineer or the North Carolina Department of Transportation.

c. Uses in the Mixed Use Expansion District are permitted up to a 25 percent reduction in the minimum number of parking spaces required by section 7-11-2 of this chapter provided that multimodal options such as: transit shelters, pedestrian amenities, bike racks, and bike lanes are incorporated into the development proposal. Pedestrian amenities may include but are not limited to wide sidewalks in excess of minimum standards, public courtyards, and public park areas.

d. Parking structures may be provided as a secondary use in meeting a project's parking requirements; such structures may contain more than the maximum number of spaces required for the associated use(s) if there are shared parking or commercial parking arrangements acceptable to the planning and urban design director.

(10) *Sidewalk standards.* Sidewalks shall be provided as required by and pursuant to the requirements for sidewalks as set forth in section 7-11-7 of this chapter except that in addition to sidewalks provided along the primary access corridor, sidewalks will be required to connect to the principle uses(s) within in the development and shall meet a ten foot wide minimum standard.

(11) *Open space standards.* Open space shall be provided as required by section 7-11-4 of this chapter. Public sidewalk spaces two or more feet wider than the minimum requirement and featuring public-pedestrian amenities, outside dining facilities and

pocket parks are encouraged and may count toward open space requirements. Donations of land for green space and greenways is also encouraged.

(12) *Access and mobility standards.* Multimodal access to the development shall be analyzed at the planning stage. Vehicular access to the development should be limited to arterials or collector streets with a single driveway connection. Bike lanes into the development and on internal streets (if applicable) should be a part of the development plan. Access and cross access should be evaluated to connect to adjoining properties to improve roadway capacity, ensure driver safety and mobility options for bicyclists and pedestrians. Stub out connections may be constructed if cross access is not available. Transit shelters should be considered for developments along transit routes coordinated with the Transportation Department. Greenway connections through the development or to nearby existing or planned greenways should be provided for.

(13) *Design and operational standards.*

a. The front of the building shall be orientated towards the primary access corridor. Building sides should appear similar to their fronts. On corner lots the building or portions of the building must be located at the street corner.

b. All buildings shall include a well-defined operable entrance at regular intervals not exceeding 75 feet on each primary facade to encourage access by pedestrians. Secondary entrances may face second tier streets, driveways or parking areas. Buildings on corner lots may place the entrance at the corner, eliminating the need for dual entrances.

c. Windows shall be evenly distributed at pedestrian level across the length of the facade on the first floor of the building. Windows shall make up at least 40 percent of the area of the street-facing first story facade. Upper story windows shall make up at least 20 percent of the wall surface. All storefront windows shall be transparent or lightly tinted and shall not appear false or applied. Windows glass shall be non-reflective. Windows are also required along the sides of structures that are visible from roadways or have surface parking lots located adjacent to them.

d. When new building facades will be wider than 75 feet, the facade surface shall be subdivided into portions not exceeding this distance by varying setbacks, roof forms, or adding design details such as pilasters, secondary bays or other architectural treatments.

(14) *Emergency wireless communications.* Communication requirements shall be provided as required by section 7-11-9 of this chapter.

m. Sec. 7-11-3(d)(1)(b) table shall be revised to include the following row inserted at the bottom of the table:

Expansion Zoning Districts (except CBD EXP)	B	B

n. Sec. 7-11-4(c) table shall be revised to include the following row inserted at the bottom of the table:

All other districts, including URD (except as otherwise noted for: CBD, IND, CI, IND, CBD EXP and IND EXP)	No open space requirements; CBD, IND, CBD EXP, IND EXP

o. Sec. 7-16-2(b) shall be amended in the following ways:

Remove "(2) Level III site plan review projects", and

Remove "(10) Single tenant and/or multi-tenant retail structures over 100,000 square feet"

p. Sec. 7-16-2(d) shall be amended in the following ways:

Remove "(2) Level III site plan review projects" in its entirety, and

Remove "(10) Single tenant and/or multi-tenant retail structures over 100,000 square feet" in its entirety

q. Sec. 7-17-3(c) The land use impact table shall be amended in the following ways:

Remove "lodging" from *Office/business- medium*; and

Add to *Office/Business – Medium*, "Lodging facilities with 20 or fewer guest rooms"; and,

Add to *Office/Business – High* "Lodging facilities with 21 or more guest rooms"

Section 2: If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 3: All ordinances or parts of ordinances in conflict are hereby repealed to the extent of such conflict.

Section 4: This ordinance will become effective upon adoption.

Read, approved, and adopted this the 14th day of February, 2017.

136.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

ORDINANCE NO. 4561

ORDINANCE AMENDING CHAPTER 7 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE TO AMEND THE STANDARDS REGULATING THE LEVEL II REVIEW PROCESS

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety, and welfare; and

WHEREAS, the Unified Development Ordinance (Chapter 7 of the City Code of Ordinances) provides allowances for accessory dwelling units and the options for such units should be expanded; and

WHEREAS, this Ordinance is determined to be reasonable, in the public interest, and is consistent with the Comprehensive Plan in the following ways:

(1) Makes the development review process clear and predictable; and,
(2) Provides a reasonable and effective public participation and notification.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1: Chapter 7 of the Code of Ordinances of the City of Asheville is hereby amended as follows:

a. Sec. 7-5-9(b) is amended by replacing it in its entirety with the following:

(b) *Level II site plan review process.*

(1) *Purpose and application.* The Level II site plan review process is required for development applications within the planning and regulation jurisdiction of the City of Asheville involving new construction, additions, renovations, and changes of use which would fall into one or more of the following categories:

a. *New construction-and changes of use to a higher impact.*

1. Industrial buildings(s), structure(s), or developments in the industrial or commercial industrial districts with a gross floor area of 100,000 square feet or more, and industrial building(s), structure(s), or developments in the river district with a gross floor area of 50,000 to 99,999 square feet.
2. Commercial building(s) or structure(s) with a gross floor area of 35,000 square feet to 99,999 square feet;
3. Office or institutional building(s) with a gross floor area of 35,000 square feet to 99,999 square feet; or
4. Any residential development or camper-trailer park containing 20 to 49 individual dwelling units.

b. *Additions/Expansions.* Projects which were not previously approved as a Level II project, but which, with an addition or expansion meets all of the following shall be considered Level II projects: (i) result in a net increase of at least 25% or more of the thresholds in Section 1(a) above; and (ii) will, with the addition or expansion, reach the minimum thresholds in Section 1(a) above.

c. *Projects combined.* Developments which meet all of the following criteria shall be considered one development and shall be reviewed as a Level II project under this Section:

1. The developments are located within 500 feet of each other;
2. The proposed development and a previously approved development represent different phases of a larger plan that may, or may not, include shared parking facilities, access, utilities or walls ; and
3. The application for the proposed development is received within three years of a certificate of occupancy for a previous development.

(2) *Pre-application procedure.*

a. All applicants for Level II site plan review are required to schedule and attend a pre-application conference with city staff prior to submittal of the application. This conference allows the applicant and staff an opportunity to discuss the review process, the requirements for completing the review schedule, contact persons for services and permits, and information regarding site plans, landscaping, and development requirements. Information regarding the need for a grading and erosion control plan, which will have to be approved through the sedimentation and erosion control staff, will be provided at this time.

The staff can also determine if any special reviews will be required, such as reviews by the historic resources commission, the tree commission, the housing authority of the city, the board of adjustment, or downtown design review staff.

b. The developer is required to meet with representatives of the neighborhood in which the proposed project is located. This meeting is to allow the developer to explain the proposed project, be informed about neighborhood concerns, and explore opportunities to address those concerns in cooperation with the neighborhood. The meeting must be held in the pre-application stage no more than four months prior to the submittal date and no closer than 10 days before submittal, and must be at a location and time designed to allow interested neighbors to attend. It is recommended, but not required, that the developer retain a neutral third party to facilitate the meeting. The developer shall provide notice of the meeting by first class mail to all property owners within 200 feet at least ten days before the meeting. A written report of the meeting must be submitted with the Level II application.

(3) *Plan submittal.*

a. *Site plan(s) required.* A site plan for a proposed Level II project shall be prepared by a licensed design professional and shall be prepared in accordance with the Unified Development Ordinance ("UDO"), the City of Asheville Standard Details and Specifications Manual, other applicable city ordinances, city policies and state law.

b. *Filing of application.* A complete application packet containing all information as required by the development services director shall be submitted according to the established schedule of the TRC prior to the technical review committee meeting at which it is to be reviewed.

c. *Public notification.*

1. Application. Notice of the Level II application shall be posted on the property at a conspicuous place at least seven days prior to the TRC meeting at which the Level II

application will be considered. The sign shall state the words "Notice of Technical Review Meeting" in letters at least six inches high and shall identify the means to contact the appropriate city official or website for information about the application.

2. Decision. No later than ten days after a decision on the Level II application is made by the TRC, a copy of such decision shall be mailed to property owners within 200 feet pursuant to Section 7-5-20(b)(2).

d. *Action by the Technical Review Committee.* The site plan for a proposed Level II project shall first be reviewed by the designated staff for compliance with the applicable regulations and other provisions. The designated staff shall then present the proposed site plan to the TRC at the next regular meeting following receipt of the application. Review of the site plans by the TRC shall be ministerial in nature, and limited to compliance with the regulations set forth in this UDO, the City of Asheville Standard Details and Specifications Manual, other applicable city ordinances, city policies and state law. The TRC may vote to approve, approve with conditions, or deny the site plan. The site plan decision is considered final on the date the TRC renders its decision.

If the Level II site plan is not approved, the TRC shall set forth in writing the reasons for denying approval of the site plan.

e. *Approvals.* Approval of a Level II site plan shall be valid for one year from the date of approval by the TRC. If a zoning permit is not obtained within one year of the TRC approval, the decision of the TRC shall be null and void.

(4) *Appeals.* Appeals of decisions of the Technical Review Committee regarding developments requiring Level II site plan approval shall be heard by the Board of Adjustment in accordance with the procedures set forth in section 7-6-2 of this chapter.

(5) *Violations.* Violations of the approved site plan shall be considered a violation of this chapter and subject to the enforcement and penalty provisions of article XVIII of this chapter.

Section 2: If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 3: All ordinances or parts of ordinances in conflict are hereby repealed to the extent of such conflict.

Section 4: This ordinance will become effective upon adoption.

Read, approved, and adopted this the 14th day of February, 2017.

Magdalen Bowlesson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlesson

140

ORDINANCE NO. 4562

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made a part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 14th day of February, 2017.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

PURPOSE: To budget Capital Projects Department operating costs for the remainder of FY16-17 and $74.0 million in capital projects approved as part of the November 2016 General Obligation Bond Referendum.

Magdalen Burleson
City Clerk

CITY OF ASHEVILLE

BUDGET AMENDMENT

FISCAL YEAR	EFFECTIVE DATE
2016/17	2/14/2017

Amendment to	X Operating Capital or Grant (Special Revenue)
Purpose	Capital Projects Department Operating Budget
Requesting Department	Capital Projects

				Beginning Budget	New Budget	Increase or Decrease By
Fund	General Fund					
Revenue	Appropriated Fund Balance					
Acct #	11000032	499100		6,200.00	203,375.00	197,175.00
	Org	Obj	Project			
Fund	General Fund					
Expend.	Compensation - Full Time Reg					
Acct #	11000330	511001		817,064.00	962,064.00	145,000.00
	Org	Obj	Project			
Fund	General Fund					
Expend.	FICA Tax Expense					
Acct #	11000330	512001		63,938.00	75,285.00	11,347.00
	Org	Obj	Project			
Fund	General Fund					
Expend.	Employer - LGERS					
Acct #	11000330	512005		60,595.00	71,349.00	10,754.00
	Org	Obj	Project			
Fund	General Fund					
Expend.	Employer - 401(K)					
Acct #	11000330	512005		41,789.00	49,205.00	7,416.00
	Org	Obj	Project			
Fund	General Fund					
Expend.	Group Insurance Expense					
Acct #	11000330	512014		140,236.00	157,394.00	17,158.00
	Org	Obj	Project			
Fund	General Fund					
Expend.	Supplies - Other					
Acct #	11000330	524001		10,500.00	16,000.00	5,500.00
	Org	Obj	Project			
					BALANCE	0.00

142

CITY OF ASHEVILLE

BUDGET AMENDMENT

FISCAL YEAR	EFFECTIVE DATE
2016/17	2/14/2017

Amendment to	____ Operating X Capital or Grant (Special Revenue)
Purpose	Capital Projects Department Capital Budget (GO Bonds)
Requesting Department	Capital Projects

				Beginning Budget	New Budget	Increase or Decrease By
Fund	General Capital Projects Fund					
Revenue	TBD					
Acct #	4100xxxx	4xxxxx	X1701	0.00	74,000,000.00	74,000,000.00
	Org	Obj	Project			
Fund	General Capital Projects Fund					
Expend.	Contracted Services					
Acct #	4100xxxx	521001	X1701	0.00	74,000,000.00	74,000,000.00
	Org	Obj	Project			

BALANCE 0.00

ORDINANCE NO. 4563

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 14th day of February, 2017.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

PURPOSE: Budget amendment in the amount of $232,349.00 to establish the capital budget for the Pritchard Park Improvements.

Magdalen Burleson
City Clerk

144

CITY OF ASHEVILLE

BUDGET AMENDMENT

FISCAL YEAR	EFFECTIVE DATE
2016/17	2/14/2017

Amendment to		Operating
	X	Capital or Grant (Special Revenue)

Purpose	**To make improvements to Pritchard Park**
Requesting Department	Parks, Recreation and Cultural Arts

				Beginning Budget	New Budget	Increase or Decrease By
Fund	General Capital Project Fund					
Revenue	Transfer from General Fund					
Acct #	41090805	498100	R1704	0.00	232,349.00	232,349.00
	Org	Obj	Project			
Fund	General Capital Project Fund					
Expend.	Contracted Services					
Acct #	41000805	521001	R1704	0.00	232,349.00	232,349.00
	Org	Obj	Project			
Fund	General Fund					
Expend.	Contracted Services					
Acct #	11008003	521001		661,152.00	428,803.00	(232,349.00)
	Org	Obj	Project			
Fund	General Fund					
Expend.	Transfer to General Cap. Proj. Fun					
Acct #	11098003	800410		0.00	232,349.00	232,349.00
	Org	Obj	Project			

BALANCE	0.00

ORDINANCE NO. 4564

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this March 14, 2017.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

PURPOSE: This Budget Amendment is (1) to increase the budget for Senior Opportunity Center by $3,625 to clean and paint the exterior of the building, and (2) to increase the budget for Harvest House by $3,625.00 to purchase materials for the woodworking shop, purchase flower planters and deck furniture, both as a result of an allocation from the Senior Center General Purpose Funding from the North Carolina Department of Health and Human Services, Division on Aging and the Land of Sky Regional Council/Area Agency on Aging.

Magdalen Burleson
City Clerk

146

CITY OF ASHEVILLE

BUDGET AMENDMENT

FISCAL YEAR	EFFECTIVE DATE
2016/17	3/14/2017

Amendment to	X Operating ____ Capital or Grant (Special Revenue)
Purpose	Budget Amendment for FY 2016-2017 Senior Center General Purpose Funding - Senior Opportunity Center and Harvest House
Requesting Department	Parks & Recreation

				Beginning Budget	New Budget	Increase or Decrease By
Fund	General Fund					
Revenue	State Grant (Senior Opportunity)					
Acct #	11008324	436000		0.00	3,625.00	3,625.00
	Org	Obj	Project			
Fund	General Fund					
Expend.	Contracted Services					
Acct #	11008324	521001		0.00	3,625.00	3,625.00
	Org	Obj	Project			
Fund	General Fund					
Revenue	State Grant (Harvest House)					
Acct #	11008323	436000		0.00	3,625.00	3,625.00
	Org	Obj	Project			
Fund	General Fund					
Expend.	Supplies - Other					
Acct #	11008323	524001		0.00	3,625.00	3,625.00
	Org	Obj	Project			

BALANCE 0.00

ORDINANCE NO. 4565

ORDINANCE ADOPTING THE FISCAL YEAR 2017-18 FEES & CHARGES

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the attached Fiscal Year 2017-18 fees and charges, attached to and made a part of this ordinance, be adopted.

That this ordinance shall be in full force and effect upon July 1, 2017.

Read, approved and adopted this 14th day of March, 2017.

Magdalen Burleson
CITY CLERK

Edwin G. Martin
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Burleson
City Clerk

FY2017-18 FEE ADJUSTMENTS

	Current Fee	New Fee	Additional Revenue
GENERAL FUND			
Community & Economic Development			
City-Owned Facility Rental Charges (14 Riverside Drive)	New		TBD
Refundable Security Deposit		$200.00	
Minimum Rental Fee		$200.00	
Weekday Rental (Monday to Friday)			
Half Day (9:00 am – 5:00 pm) - 4 hours or less		$200.00	
Full Day (9:00 am – 5:00 pm) - 8 hour maximum		$500.00	
Additional Hours (from 5:00 pm to 10:00pm) (per hour)		$75.00	
Weekend Rental (Saturday and Sunday)			
Full Day - 8 hour maximum		$1,000.00	
Additional Hours (over maximum) (per hour)		$75.00	
Labor & Event Staffing (follows existing fees and charges)			
Event Coordinator (per hour)		$25.00	
Custodial (per hour)		$16.00	
Laborer (per hour)		$16.00	
Police (per hour)		$40.00	
Special Event Policies apply i.e., 75% reduction in rate for nonprofits			
Public Works			
Asphalt Curb Installation (per linear ft)	New	$6.00	$5,000
Transportation			
*Fee in Lieu - Sidewalk Construction**			$21,701
Curb & Gutter (per linear ft)	$17.30	$20.00[1]	
Remove 40% fee in lieu for City funded projects	40% fee in lieu	remove	
Wheelchair Ramps (without detectable plates)	$900.00	$1,300.00	
Wheelchair Ramps (with detectable plates)	$1,150.00	$1,550.00	
Sidewalk - 5 ft wide (per linear ft)	$40.00	$50.00	
*Note: Fee in lieu revenue goes to the Capital Program, not General Fund			
Street Name/Traffic Control Signs/Pavement Markings on Private Streets			$900
Current Fee (per sq ft + labor installation)	$2.25 - $7.95		
Single Face (per sq ft + labor installation)		$5.50	
Double Face (per sq ft + labor installation)		$8.00	
U-Channel Post (per linear ft)		$2.50	
Pre-mark thermoplastic (per sq ft + labor installation)		$6.00	
Temporary Street/Lane/Sidewalk Closure Permit Fee			
Permit for less than 30 days	$50.00		
Permit for greater than 30 days	$100.00		
Permit for each 30 days or portion thereof		$50.00	

[1] A fee of $30.00 per linear foot was in the report presented to the Finance Committee. This fee was incorrect and has been changed to $20.00.

	Current Fee	New Fee	Additional Revenue
Development Services			
Building Plan Amendments (after permit is issued)			
Current Wording:	$75.00 per hour per trade		
Proposed Update:	$75.00 processing fee plus any additional plan review and permit fees based on Cost of Work increases. Fees applied after permits are issued shall be assessed without adjustment for previously applied fees; start at the bottom of the tiered systems.		
ABC Permits			
Current Wording:	$75.00		
Proposed Update:	$75.00 per trade. Fee is charged for each relevant trade inspection; typically Building, Fire, Electrical, Mechanical and Plumbing		
Fire Prevention Fee			
Current Wording:	$75 plus 10% of all other trade fees when those fees exceed $100.00		
Proposed Update:	$75 plus 10% of the total of all other trade fees when that total exceeds $100.00		
New Single Family Plan Review Fees:			
Building Review		$125.00	
Building Five Point Review (with wavier)		$25.00	$37,000
Site Engineering		$50.00	$18,000
Commercial Development Plan Review Fees:			
Site Engineering less than/equal to 10,000 sq ft disturbance		$125.00	
Site Engineering greater than 10,000 sq ft disturbance		$300.00	$140,000
Fire Prevention review		$75.00	$105,000
Grading Permit Extension Request		$75.00	$1,800
Bond Administration Fee		$200.00	$5,000

Note: The FY2017-18 Development Fee Schedule will also distinguish fees for upfront services as non-refundable. These fees are application fees, review fees, administrative fees and some nominal fees where the majority of the work occurs on the front end. These fees and applicable 4% Technology Fee should be paid in full at the time of application or time of service unless otherwise noted.

WATER FUND			
Utility Charges (per CCF)			$405,386
Single Family Residential (1.5% increase)	$3.99	$4.05	
Irrigation (5% increase)	$4.49	$4.71	
Multi-Family Residential (1.5% increase)	$3.37	$3.42	
Commercial (</= 1,000 CCF monthly) (1.5% increase)	$3.37	$3.42	
Commercial (> 1,000 CCF monthly) (3.5% increase)	$1.93	$2.00	
Commercial (</= 2,000 CCF bimonthly) (1.5% increase)	$3.37	$3.42	
Commercial (> 2,000 CCF bimonthly) (3.5% increase)	$1.93	$2.00	
Manufacturer (</= 1,000 CCF monthly) (1.5% increase)	$3.37	$3.42	
Manufacturer (> 1,000 CCF monthly) (3.5% increase)	$1.87	$1.94	
Manufacturer (</= 2,000 CCF bimonthly) (1.5% increase)	$3.37	$3.42	
Wholesale – Consumption (5% increase)	$1.13	$1.19	
Base Fee (per bill) (1.5% increase)	$6.00	$6.09	

	Current Fee	New Fee	Additional Revenue
Capital Improvement Charge (Monthly) (1.5% increase all sizes)			$100,732
5/8 inch (Single Family Residential domestic use charge)	$4.03	$4.09	
3/4 inch	$4.62	$4.68	
1 inch	$55.36	$56.19	
1 1/2 inch	$92.26	$93.65	
2 inch	$161.46	$163.88	
3 inch	$507.45	$515.06	
4 inch	$888.04	$901.36	
6 inch	$1,141.77	$1,158.89	
8 inch	$1,395.49	$1,416.42	
10 inch	$1,649.22	$1,673.96	
STORMWATER FUND (5% increase)			
Single Family Residential Properties (225-2,000 sq. ft.) (per month)	$2.76	$2.90	
Single Family Residential Properties (2,001-4,000 sq. ft.) (per month)	$4.41	$4.63	
Single Family Residential Properties (>4,001 sq. ft.) (per month)	$6.07	$6.37	
Non Single Family Residential Properties (per ERU per month)	$4.41	$4.63	
TRANSIT FUND			
Election Day Fee Waiver (Primary & General Election)	Regular fare	Fare free	-$2,000
ART Passport Program			$50,000
Discount for 1,000 or more passes	Direct Contact	Direct Contact	
Discount for 500 or more passes		25%	
Discount for 100 or more passes		20%	
Discount for 50 or more passes		15%	
Discount for 20 or more passes		10%	
PARKING FUND			
Parking Garages (first hour free, then each hour or portion thereof)	$1.00	$1.25	$169,000
Civic Center Parking Garage (per month)	$80.00	$90.00	$55,000
Civic Center Parking Garage (discounted per month)	$40.00	$45.00	$1,200
Rankin Avenue Parking Garage (per month)	$90.00	$100.00	$12,000
Wall Street Parking Garage (per month)	$100.00	$110.00	$3,600
On-Street Permitted Parking (per month dependent on location)	$30.00	$40.00	$12,700
	$45.00	$55.00	
Surface Parking Lots (per month)	$60.00	$70.00	$12,000
Surface Parking Lots (discounted per month)	$30.00	$35.00	$600

	Current Fee	New Fee	Additional Revenue
US CELLULAR CENTER FUND			
Sound Package Rental		market rate*	$15,000
Lighting Package Rental		market rate*	$15,000
*Market rates determined at USCC General Manager's discretion			
Staff Reimbursement			$10,000
Production Coordinator (per day)		$350.00	
Lighting Director (per performance)		$150.00	
Audio Engineer (per performance)		$150.00	
Audio/Visual Tech (per hour)		$36.00	
Special Event Parking (USCC special events only)		$2.00	$80,000

152

ORDINANCE NO. 4566

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment forms attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 28th day of March, 2017.

Magdalen Burleson
City Clerk

Esther E Manheimer
Mayor

Approved as to form:

City Attorney

PURPOSE: To set up the project budget for the Transit Master Plan.

Magdalen Burleson
City Clerk

CITY OF ASHEVILLE

BUDGET AMENDMENT

FISCAL YEAR	EFFECTIVE DATE
2016/17	3/28/2017

Amendment to	____ Operating X Capital or Grant (Special Revenue)
Purpose	To accept grant funding from the French Broad River Metropolitan Planning Organization (MPO), along with a City match, for a Transit Master Plan.
Requesting Department	Transportation

				Beginning Budget	New Budget	Increase or Decrease By
Fund	Transit Capital Project Fund					
Revenue	Restricted Intergov - Fed prtn of MPO					
Acct #	65100951	435505	Txxxx	0.00	96,000.00	96,000.00
	Org	Obj	Project			
Fund	Transit Capital Project Fund					
Revenue	Oper Transfers from General Fund					
Acct #	65190951	498100	Txxxx	0.00	24,000.00	24,000.00
	Org	Obj	Project			
Fund	Transit Capital Project Fund					
Expend.	Contracted Services					
Acct #	65100951	521001	Txxxx	0.00	120,000.00	120,000.00
	Org	Obj	Project			
Fund	Transit Fund					
Expend.	Transit Monthly Management Fee					
Acct #	65000951	521014		562,338.76	538,338.76	(24,000.00)
	Org	Obj	Project			
Fund	Transit Fund					
Expend.	Transfer to Transit Capital Fund					
Acct #	65090950	800651		0.00	24,000.00	24,000.00
	Org	Obj	Project			

BALANCE 0.00

154

ORDINANCE NO. 4567

ORDINANCE AMENDING CHAPTER 2 THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE TO AMEND THE MEMBERSHIP OF THE DOWNTOWN COMMISSION

WHEREAS, Chapter 2, Article III, Division 3 of the Code of Ordinances of the City of Asheville specifies the composition, duties and functions of the Asheville Downtown Commission; and

WHEREAS, on January 10, 2017, the Downtown Commission voted to recommend a change to the appointment from the Asheville Downtown Association to be a member of the board of directors or the executive director;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1: Chapter 2, Article III, Division 3 of the Code of Ordinances of the City of Asheville is hereby amended as follows:

a. Sec. 2-76(b) is amended by adding the following italicized language:

Composition. The commission shall consist of 11 members, except as provided in subsection (c) below. The appointed composition will be as follows:

(1) Two members appointed by the Buncombe County Board of Commissioners.

(2) One member of the city council appointed by the city council, except as provided in subsection (c) below.

(3) Seven members appointed by the city council from the private sector of the community.

(4) A member of the board of directors *or the executive director* of the Asheville Downtown Association.

b. Sec. 2-76(c) is amended by removing the crossed-through language:

Terms of office. Members of the commission shall serve staggered, three-year terms, with the exception of the city council member, and the person serving in the position allocated for ~~the President of~~ the Asheville Downtown Association, each....

Section 2: If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 3: All ordinances or parts of ordinances in conflict are hereby repealed to the extent of such conflict.

Section 4: This ordinance will become effective upon adoption.

Read, approved, and adopted this the 28th day of March, 2017.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

ORDINANCE NO. 4568

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made a part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 28th day of March, 2017.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

PURPOSE: To eliminate the budget previously established for the telecommunications tower replacement project on City-owned real property at 166 Reservoir Road.

Magdalen Burleson
City Clerk

156

CITY OF ASHEVILLE

BUDGET AMENDMENT

FISCAL YEAR	EFFECTIVE DATE
2016/17	3/28/2017

Amendment to	____ Operating X Capital or Grant (Special Revenue)
Purpose	To reduce budget for a tower replacement that AT&T will now be taking on.
Requesting Department	Information Technology Services

				Beginning Budget	New Budget	Increase or Decrease By
Fund	General Capital Projects Fund					
Revenue	Private Participation Revenue					
Acct #	41000053	483309	I1701	300,000.00	0.00	-300,000.00
	Org	Obj	Project			
Fund	General Capital Projects Fund					
Expend.	Contracted Services					
Acct #	41000053	521001	I1701	300,000.00	0.00	-300,000.00
	Org	Obj	Project			

BALANCE 0.00

ORDINANCE NO. 4569

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 28th day of March, 2017.

Magdalen Burleson
City Clerk

Edwin G. Marb
Mayor

Approved as to form:

City Attorney

PURPOSE: Bike Share Feasibility Study

Magdalen Burleson
City Clerk

CITY OF ASHEVILLE

BUDGET AMENDMENT

FISCAL YEAR	EFFECTIVE DATE
2016/17	3/28/2017

Amendment to	____ Operating X Capital or Grant (Special Revenue)
Purpose	To accept grant funding from the French Broad River Metropolitan Planning Organization (MPO), along with a City match, for a bike share feasibility study.
Requesting Department	Transportation

				Beginning Budget	New Budget	Increase or Decrease By
Fund	Grant Fund					
Revenue	Restricted Intergov - Fed prtn of MPO					
Acct #	22002100	435505	Txxx	0.00	25,000.00	25,000.00
	Org	Obj	Project			
Fund	Grant Fund					
Revenue	Oper Transfers from General Fund					
Acct #	22092100	498100	Txxx	0.00	25,000.00	25,000.00
	Org	Obj	Project			
Fund	Grant Fund					
Expend.	Contracted Services					
Acct #	22002100	521001	Txxx	0.00	50,000.00	50,000.00
	Org	Obj	Project			
Fund	General Fund					
Expend.	Contracted Services					
Acct #	11002100	521001		77,020.00	52,020.00	(25,000.00)
	Org	Obj	Project			
Fund	General Fund					
Expend.	Transfer to Grant Fund					
Acct #	11092100	800220		0.00	25,000.00	25,000.00
	Org	Obj	Project			

BALANCE 0.00

ORDINANCE NO. 4570

ORDINANCE ESTABLISHING CONDITIONAL ZONING FOR PROPERTY LOCATED AT 236 CHARLOTTE STREET AND 336 HILLSIDE STREET

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statues, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this proposed amendment is consistent with the City's 2025 Comprehensive Plan, Smart Growth policies, and other official plans of the City for the reasons set out in the Staff Report, which is hereby adopted and incorporated by reference; and

WHEREAS, this proposed ordinance is determined to be reasonable and in the public interest as follows:

a. The project expands an existing community-supported use in the existing location;
b. The most intense aspect of the use, the pool and recreation facility, is relocated to a location with sufficient parking, alleviating some of the parking demand and residual impact from the primary site;
c. Streetscape improvements are proposed along multiple frontages and vehicular access is interior to the site;
d. Existing mature vegetation and rock wall will be preserved along Charlotte Street.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

The zoning classification of that certain real property described in Exhibit A and identified on Buncombe County tax maps as PINs 9649.54-9873 and 9649.54-7812 and recorded in Deed Book 707, Page 322 and Book 2135, Page 152 respectively and currently owned by Jewish Community Center of Asheville from Residential Multi-Family High Density and Community Business I districts to Community Business II Conditional Zone. Said rezoning

is subject to the conditions set out in Exhibit "B-1" and substantially complies with the site plans shown in Exhibit "C", both attached hereto and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. The ordinances shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 5. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 28th day of March, 2017.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

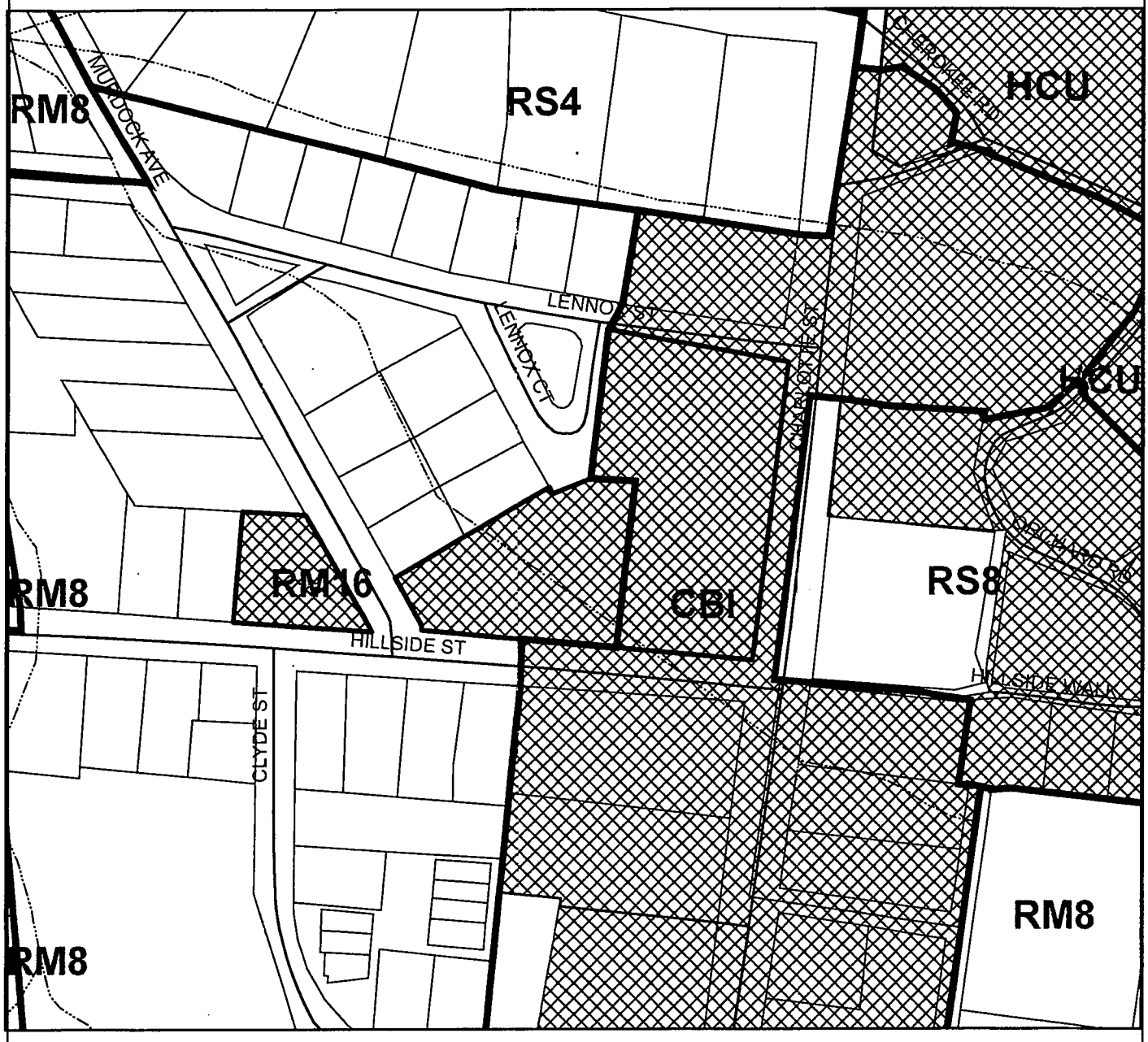
City Attorney

Magdalen Burleson
City Clerk

City of Asheville - Exhibit A Map
Conditional Zoning - Jewish Community Center

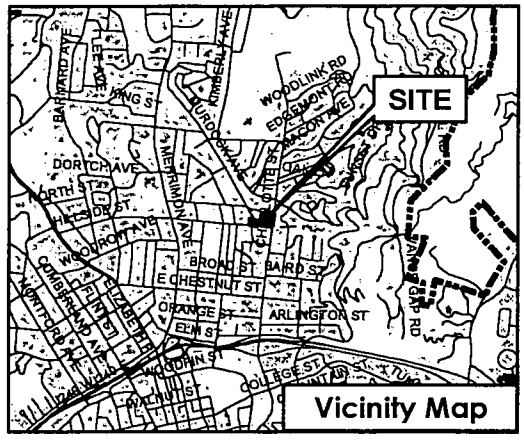
ASHEVILLE

N W E S



Project Name: Jewish Community Center Expansion
Project Number: 17 - 00718 PZ
Project Description: CZ from CBI + RM16 to CBII
Petitioner(s): Chris Day
Parcel ID Number(s): 9649-54-9873; -7812
Location/Address: 236 Charlotte Street, 40 Clyde Street
336 Hillside Street

Project Site | Parcels | Asheville City Limits | Historic District Overlay
Zoning Districts | Streets | River Areas | Transitional Use Overlay



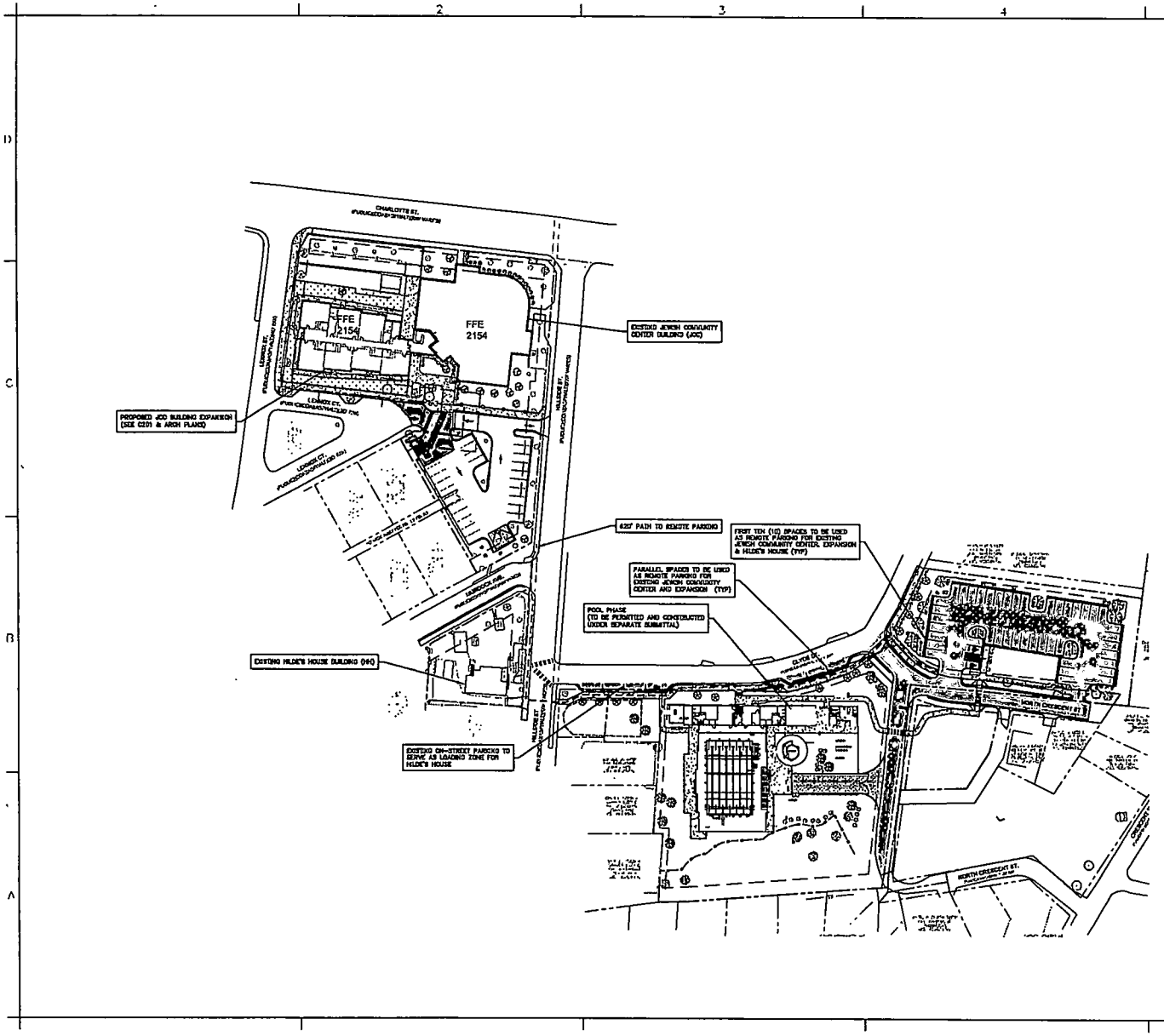
City of Asheville Planning and Urban Design Department - February 2017

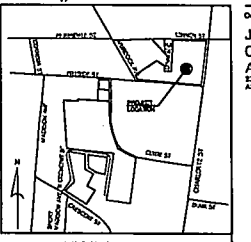
EXHIBIT B-1 Conditions | Jewish Community Center of Asheville

1. Approval is for conditional zoning from Residential Multi-Family High Density (RM-16) and Community Business I (CBI) districts to Community Business II Conditional Zone (CBII-CZ) for the expansion of the community center and child care building and uses.
2. The existing two-story community center building at 236 Charlotte Street and infant day care use at 336 Hillside Street will remain.
3. Access to the site will continue to use Lennox Court and Hillside Street . The Hillside Street entrance is currently egress only but may be redesigned for two-way traffic with staff approval and no reduction in approved number of parking spaces.
4. There are 27 parking spaces provided in the surface lot and two staff spaces in the driveway at 336 Hillside. Additional parking for the overall community center use is provided at 40 Clyde Street, next to the pool and recreational use that is being relocated to that location, approximately 620 feet from the community center site.
5. A portion of the parking spaces encroach into the setback along Hillside Street.
6. The building addition at 236 Charlotte Street is one-story and approximately 11,063 square feet, resulting in a total GFA of approximately 29,460 square feet.
7. Prior to obtaining a Certificate of Occupancy, a concrete pad for a transit shelter will be provided along Charlotte Street as shown on site plans.
8. Existing landscaping and rock wall along Charlotte Street will remain and be preserved, as set forth on the site plan.
9. New street trees will be provided along all frontages along with existing trees, as set forth on the site plan.
10. The property line buffers for 236 Charlotte Street are eliminated along the internal property line, Lennox Court, Murdock and Hillside due to existing conditions to maintain parking lot and placement of new building addition. Existing vegetation and fencing will remain, as set forth on the site plan.
11. The property line buffer for Hilde's House at 336 Hillside will be reduced, maintaining existing conditions and existing landscaping, as set forth on the site plan.
12. Setbacks will be as follows:
    a. Front setback along Charlotte Street will be 35 foot maximum for existing building and 80 foot maximum for new addition.
    b. Second front setback along Lennox Court will be a maximum of 25 feet.
    c. Corner side setback along Lennox Street will be eight feet for the new building.
    d. Corner side setback along Murdock Avenue will be reduced only to allow the encroachment of the existing shed, as shown on the site plan.
    e. All other setbacks comply with CBII standards as shown on site plans.
13. Existing sidewalks along Charlotte Street do not meet the City's standard and are proposed to remain where the rock wall and vegetation are proposed to be preserved.
14. The total gross floor area for the community center building is approximately 25,985 square feet.
15. The building is oriented towards Lennox Court and away from Charlotte Street due to the nature and programming of the use and existing vehicular access and parking location.
16. While there is one long roof line viewed from both Charlotte Street and Lennox Court, the

building is articulated under the roof along classroom divisions and provides recesses to break up the face of the building.

17. Fenestration along Charlotte Street on the new addition is a minimum of 20% due to the nature of the use as child care and the interior orientation.
18. The development will be in substantial compliance with the approved site plan which is incorporated herein.
19. All legally required local, state, and federal permits and approvals must be obtained prior to initiation of construction and any pertinent legal requirements shall be met.





VICINITY MAP
(NOT TO SCALE)

DEVELOPMENT DATA

OWNER/DEVELOPER:	JEWISH COMMUNITY CENTER OF ASHEVILLE 236 CHARLOTTE STREET ASHEVILLE, NC 28801
CONTACT:	LAEL GRAY (828)253-0701
CIVIL ENGINEER:	CIVIL DESIGN CONCEPTS, P.A. 182 PATTON AVENUE ASHEVILLE, NORTH CAROLINA 28801
CONTACT:	WARREN GUDO, P.E. (828) 253-8308
ARCHITECT:	CLARK NEXSEN 301 COLLEGE STREET, SUITE 300 ASHEVILLE, NORTH CAROLINA 28801
CONTACT:	DOROTHEA SCHULZ (737) 433-3800
SURVEYOR:	KEE MAPPING & SURVEYING P.O. BOX 2384 ASHEVILLE, NC 28802
CONTACT:	NOLAN R. CARMACK (828) 273-8021

PROJECT DATA

PIN:	9648-64-3373; 9648-64-7513
ADDRESS:	236 CHARLOTTE STREET; 320 HILLSIDE ST
DEED BOOK/PAGE:	707/202; 154/33
SITE ACREAGE:	1.27 ACRES; 0.20 ACRES = 1.47 ACRES
ZONING:	CURRENT – RM16 & CB PROPOSED – CBI

SETBACKS:

	CBI	OVERLAY
FRONT:	10'	0' – 20'
SIDE:	0'	0'
REAR:	0'	0'
CORNER:	10'	10'

DISTURBED AREA: 0.75 AC

PARKING CALCULATIONS:
VEHICULAR:

	MINIMUM	MAXIMUM
DAYCARE: 20 TEACHERS & 144 STUDENTS		
REQUIRED SPACES:	23	33
CULTURAL FACILITY: 10,000 SF		
REQUIRED SPACES:	21	40
TOTAL REQUIRED SPACES:	44	73
W/ 20% CBI REDUCTION	43	60
ON SITE PROVIDED—JCC	27	
ON SITE PROVIDED—HH	3	
REMOTE PROVIDED	14 (12 + 3 ON-STREET)	
TOTAL PROVIDED SPACES:	43	

HANDICAPPED SPACES:
SPACES REQUIRED: 2 SPACES PROVIDED: 2

BICYCLE:
MINIMUM REQUIRED: 2 AMOUNT PROVIDED: 2

BUILDING DATA:

BUILDING	DESCRIPTION	HEIGHT	GFA
EXISTING	SPLIT-LEVEL MASONRY	40'	
LEVEL 1:			7,701 SF
LEVEL 2:			10,696 SF
TOTAL:			18,397 SF
PROP. JCC BLDG	1-STORY WOOD FRAME	20'	7,029 SF
EX. HH BLDG	1-STORY WOOD FRAME	20'	1,020 SF

IMPERVIOUS CALCULATIONS:

	IMPERVIOUS	PERVIOUS
PRE-DEVELOPMENT:	0.63 ACRES (34%)	0.72 ACRES (44%)
POST-DEVELOPMENT:	NOT TO EXCEED 0.80 AC (INCLUDE PERVIOUS PAVERS AND/OR GREEN ROOFING	

OPEN SPACE CALCULATIONS: SEE L101 LANDSCAPE PLAN
LANDSCAPING REQUIREMENTS: SEE L101 LANDSCAPE PLAN

ZONING: CuC, TmC, Uz
SOIL GROUP: A

811
Know what's below.
Call before you dig.

NORTH

GRAPHIC SCALE
(IN FEET)
1 inch = 50 ft.

Owner
JEWISH COMMUNITY CENTER - RENOVATION & ADDITION
236 CHARLOTTE STREET
ASHEVILLE, NC 28801

DESIGNER
CLARKNEXSEN
301 College Street, Suite 300
Asheville, NC 28801
T: 828-232-0803
WWW.CLARKNEXSEN.COM
CLARK NEXSEN LICENSE NUMBER: C-0203

CONSULTANT
CDC Civil Design Concepts, PA

SEAL
PRELIMINARY NOT RELEASED FOR CONSTRUCTION

SUBMITTAL
PLANNING & ZONING SUBMITTAL
02/14/17

KEY PLAN

SHEET
MASTER SITE PLAN

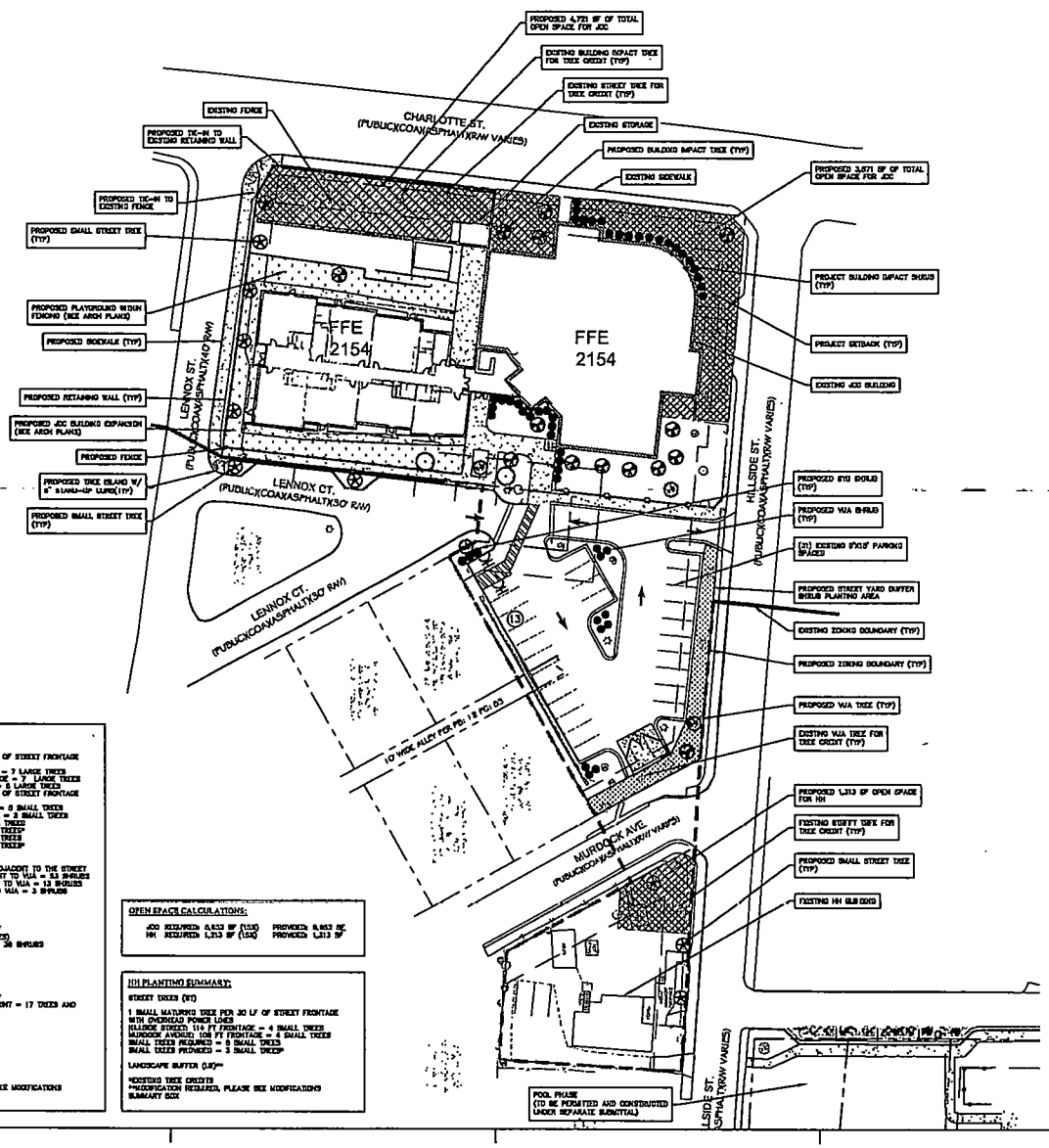
C200

SHEET 3 OF 12

DESIGN: Designer
DRAWN: Author
REVIEW: Checker
2184

Exhibit C
Pg 3

164



JCC PLANTING SUMMARY:

STREET TREES (ST)
1 LARGE MATURING TREE PER 40 LF OF STREET FRONTAGE WITHOUT OVERHEAD POWER LINES
HILLSIDE STREET: 243 FT FRONTAGE = 7 LARGE TREES
CHARLOTTE STREET: 280 FT FRONTAGE = 7 LARGE TREES
LENNOX COURT: 185 FT FRONTAGE = 5 LARGE TREES
1 SMALL MATURING TREE PER 30 LF OF STREET FRONTAGE WITH OVERHEAD POWER LINES
LENNOX STREET: 155 FT FRONTAGE = 5 SMALL TREES
MURDOCK AVENUE: 94 FT FRONTAGE = 3 SMALL TREES
LARGE TREES REQUIRED = 19 LARGE TREES
LARGE TREES PROVIDED = 3 LARGE TREES*
SMALL TREES REQUIRED = 7 SMALL TREES
SMALL TREES PROVIDED = 5 SMALL TREES*

STREET YARD BUFFER (SYB)
1 SHRUB PER 5 LF OF WIA AREA ADJACENT TO THE STREET
CHARLOTTE STREET: 114 FT ADJACENT TO WIA = 23 SHRUBS
MURDOCK AVENUE: 94 FT ADJACENT TO WIA = 19 SHRUBS
LENNOX COURT: 17 FT ADJACENT TO WIA = 3 SHRUBS
SHRUBS REQUIRED = 45
SHRUBS PROVIDED = 45

PARKING LOT LANDSCAPING (WIA)
1 TREE AND 4 SHRUBS PER 1,000 SF
(TOTAL LARGE TREES, 2216 SMALL TREES)
WIA OF 14,480 SF = 10 TREES AND 58 SHRUBS
TREES REQUIRED = 10
TREES PROVIDED = 10
SHRUBS REQUIRED = 10
SHRUBS PROVIDED = 10

BUILDING IMPACT (BI)
1 TREE AND 2 SHRUBS PER 1000 SF
TOTAL BUILDINGS 16,823 SF FOOTPRINT = 17 TREES AND 37 SHRUBS
TREES REQUIRED = 17
TREES PROVIDED = 14*
SHRUBS REQUIRED = 37
SHRUBS PROVIDED = 37

LANDSCAPE BUFFER (LB)**

*EXISTING TREE CREDITS
**MODIFICATION REQUIRED, PLEASE SEE MODIFICATIONS SUMMARY BOX

OPEN SPACE CALCULATIONS:

JCC	REQUIRED 8,853 SF (15%)	PROVIDED 8,853 SF
HH	REQUIRED 1,313 SF (15%)	PROVIDED 1,313 SF

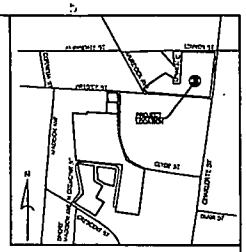
HH PLANTING SUMMARY:

STREET TREES (ST)

1 SMALL MATURING TREE PER 30 LF OF STREET FRONTAGE WITH OVERHEAD POWER LINES
HILLSIDE STREET: 114 FT FRONTAGE = 4 SMALL TREES
MURDOCK AVENUE: 108 FT FRONTAGE = 4 SMALL TREES
SMALL TREES REQUIRED = 8 SMALL TREES
SMALL TREES PROVIDED = 3 SMALL TREES*

LANDSCAPE BUFFER (LB)**

*EXISTING TREE CREDITS
**MODIFICATION REQUIRED, PLEASE SEE MODIFICATIONS SUMMARY BOX



VICINITY MAP
(NOT TO SCALE)

DEVELOPMENT DATA

OWNER/DEVELOPER:	JEWISH COMMUNITY CENTER OF ASHEVILLE 236 CHARLOTTE STREET ASHEVILLE, NC 28801
CONTACT:	LAIL GRAY (828)253-0701
CIVIL ENGINEER:	CIVIL DESIGN CONCEPTS, P.A. 152 PATTON AVENUE ASHEVILLE, NORTH CAROLINA 28801 WARREN BUCQ, P.E. (828) 253-5325
ARCHITECT:	CLARK NEXSEN 301 COLLEGE STREET, SUITE 300 ASHEVILLE, NORTH CAROLINA 28801
CONTACT:	DOROTHEA SCHULZ (737) 453-5800
SURVEYOR:	KIX MAPPING & SURVEYING P.O. BOX 2343 ASHEVILLE, NC 28802
CONTACT:	NOLAN R. CARMACK (828) 273-9021

PROJECT DATA

PIN:	9648-54-9873, 9648-54-7817
ADDRESS:	236 CHARLOTTE STREET; 334 HILLSIDE ST
DEED BOOK/PAGE:	707/232; 154/33
SITE ACREAGE:	1.27 ACRES (0.90 ACRES = 1.57 ACRES)
ZONING:	CURRENT – RM18 & CB PROPOSED – CB

SETBACKS:

	CB	OVERLAY
FRONT:	15'	5' – 20'
SIDE:	0'	0'
REAR:	0'	0'
CORNER:	15'	10'

DISTURBED AREA: 0.75 AC

PARKING CALCULATIONS:
VEHICULAR:

	MINIMUM	MAXIMUM
DAYCARE: 20 TEACHERS & 148 STUDENTS		
REQUIRED SPACES:	35	35
CULTURAL FACILITY: 10,000 SF		
REQUIRED SPACES:	26	40
TOTAL REQUIRED SPACES:	54	75
W/ 20% CBD REDUCTION	43	60
ON SITE PROVIDED—JCC	27	
ON SITE PROVIDED—HH	2	
REMOTE PROVIDED	14 (12 + 2 ON-STREET)	
TOTAL PROVIDED SPACES:	43	

HANDICAPPED SPACES:
SPACES REQUIRED: 2 SPACES PROVIDED: 2

BICYCLE:
MINIMUM REQUIRED: 2 AMOUNT PROVIDED: 2

BUILDING DATA:

BUILDING	DESCRIPTION	HEIGHT	SF/A
EXISTING	SPLIT-LEVEL MASONRY	42'	
LEVEL 1:			7,701 SF
LEVEL 2:			10,186 SF
TOTAL:			18,387 SF
PROP. JCC BLDG	1-STORY WOOD FRAME	22'	7,000 SF
EX HH BLDG	1-STORY WOOD FRAME	20'	1,033 SF

IMPERVIOUS CALCULATIONS:

	IMPERVIOUS	PERVIOUS
PRE-DEVELOPMENT:	0.85 ACRES (54%)	0.72 ACRES (46%)
POST-DEVELOPMENT:	NOT TO EXCEED 0.80 AC THROUGH PERVIOUS PAVERS AND/OR GREEN ROOFING	

OPEN SPACE CALCULATIONS: SEE L101 LANDSCAPE PLAN
LANDSCAPING REQUIRED/EXISTING: SEE L101 LANDSCAPE PLAN

ZONING: CU2, TnC1, Uz
SOIL GROUP: A

811 Know what's below. Call before you dig.

NORTH

GRAPHIC SCALE

(IN FEET)
1 inch = 50 ft.

Owner
JEWISH COMMUNITY CENTER - RENOVATION & ADDITION
236 CHARLOTTE STREET
ASHEVILLE, NC 28801

DESIGNER
CLARKNEXSEN
301 College Street, Suite 300
Asheville, NC 28801
t: 828-233-8200
WWW.CLARKNEXSEN.COM
CLARK NEXSEN LICENSE NUMBER: C-1628

CONSULTANT
CDC Civil Design Concepts, P.A.

SEALS
PRELIMINARY NOT RELEASED FOR CONSTRUCTION

SUBMITTAL
PLANNING & ZONING SUBMITTAL
02/14/17

KEYPLAN

SHEET
LANDSCAPE COMPLIANCE PLAN

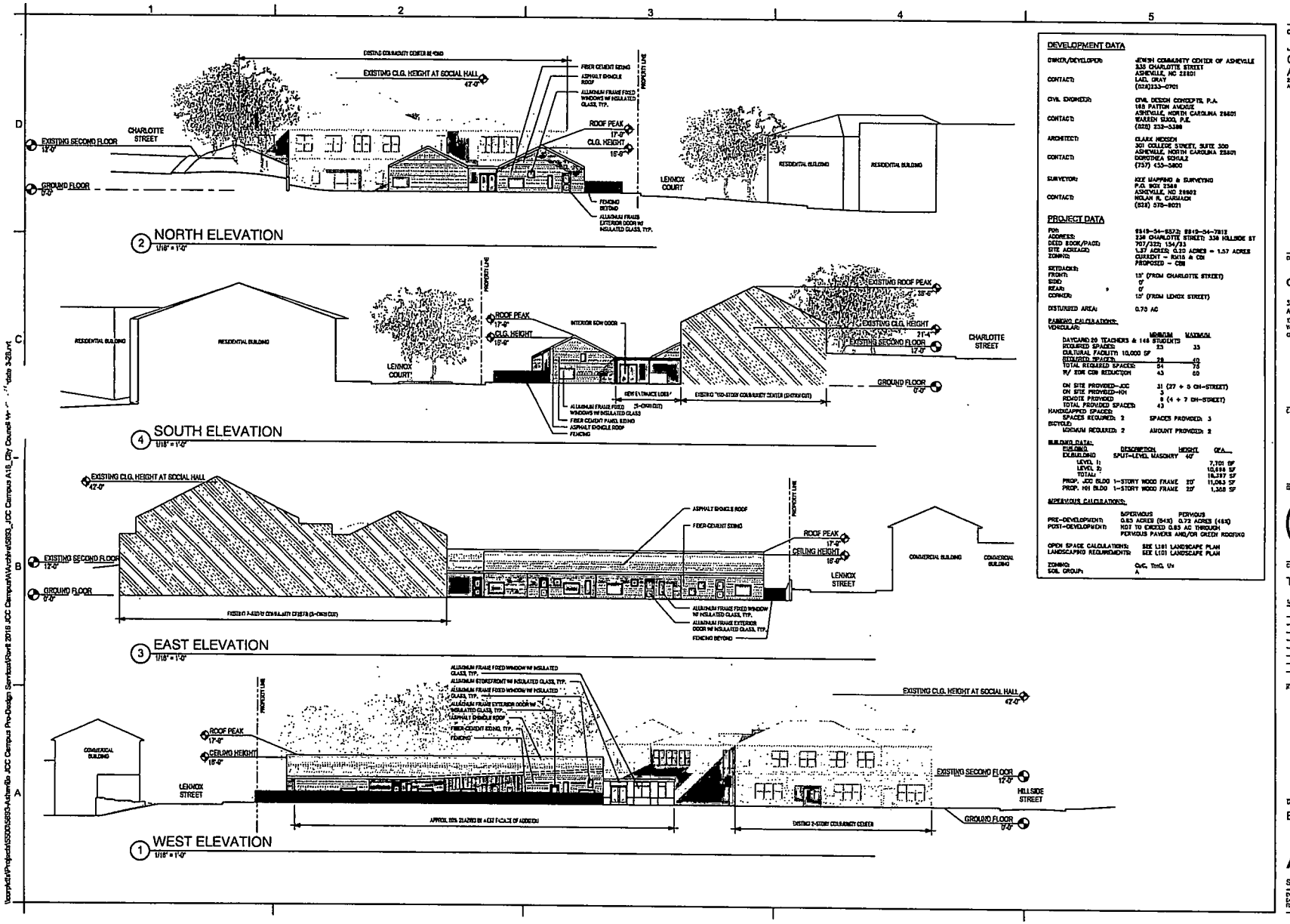
L101

SHEET 9 OF 12

DESIGN: Designer
DRAWN: Author
REVIEW: Checker
2184

2 of 3

165



DEVELOPMENT DATA

OWNER/DEVELOPER:	JEWISH COMMUNITY CENTER OF ASHEVILLE 338 CHARLOTTE STREET ASHEVILLE, NC 28801
CONTACT:	LAD. GRAY (828)253-0701
CIVIL ENGINEER:	CIVIL DESIGN CONCEPTS, P.A. 188 PATTON AVENUE ASHEVILLE, NORTH CAROLINA 28801
CONTACT:	WARREN SLOOD, P.E. (828) 253-5388
ARCHITECT:	CLARK NEXSEN 301 COLLEGE STREET, SUITE 300 ASHEVILLE, NORTH CAROLINA 28801
CONTACT:	DOROTHEA SCHULZ (737) 433-5800
SURVEYOR:	KEE MAPPING & SURVEYING P.O. BOX 2548 ASHEVILLE, NC 28802
CONTACT:	NOLAN R. CARRAGER (828) 575-8021

PROJECT DATA

PIN:	9649-34-8372; 9649-34-7918
ADDRESS:	338 CHARLOTTE STREET; 338 HILLSIDE ST
DEED BOOK/PAGE:	707/322; 154/33
SITE ACREAGE:	1.57 ACRES; 0.10 ACRES = 1.67 ACRES
ZONING:	CURRENT – RM16 & CBI PROPOSED – CBI
SETBACKS:	
FRONT:	15' (FROM CHARLOTTE STREET)
SIDE:	0'
REAR:	0'
CORNER:	10' (FROM LENNOX STREET)
DISTURBED AREA:	0.73 AC

PARKING CALCULATIONS:

VEHICULAR:

	MINIMUM	MAXIMUM
DAYCARE: 20 TEACHERS & 148 STUDENTS		
REQUIRED SPACES:	23	35
CULTURAL FACILITY: 10,000 SF		
REQUIRED SPACES:	28	40
TOTAL REQUIRED SPACES:	51	75
W/ RDR CBD REDUCTION	43	60

ON SITE PROVIDED–JCC	31 (27 + 3 ON-STREET)
ON SITE PROVIDED–HH	3
REMOTE PROVIDED	9 (4 + 7 ON-STREET)
TOTAL PROVIDED SPACES:	43
HANDICAPPED SPACES:	
SPACES REQUIRED: 2	SPACES PROVIDED: 3
BICYCLE:	
MINIMUM REQUIRED: 2	AMOUNT PROVIDED: 2

BUILDING DATA:

BUILDING	DESCRIPTION	HEIGHT	GFA
EXISTING	SPLIT-LEVEL MASONRY	40'	
LEVEL 1:			7,701 SF
LEVEL 2:			10,616 SF
TOTAL:			18,317 SF
PROP. JCC BLDG	1-STORY WOOD FRAME	20'	11,043 SF
PROP. HH BLDG	1-STORY WOOD FRAME	20'	1,368 SF

IMPERVIOUS CALCULATIONS:

	IMPERVIOUS	PERVIOUS
PRE-DEVELOPMENT:	0.85 ACRES (54%)	0.72 ACRES (46%)
POST-DEVELOPMENT:	NOT TO EXCEED 0.85 AC THROUGH PERVIOUS PAVERS AND/OR GREEN ROOFING	

OPEN SPACE CALCULATIONS: SEE L101 LANDSCAPE PLAN
LANDSCAPING REQUIREMENTS: SEE L101 LANDSCAPE PLAN

ZONING: CuC, TrnC, Us
SOIL GROUP: A

Owner
JEWISH COMMUNITY CENTER RENOVATION & ADDITION
228 CHARLOTTE STREET
ASHEVILLE, NC 28801

DESIGNER
CLARKNEXSEN
301 College Street, Suite 300
Asheville, North Carolina 28801
T: 828-232-6824
WWW.CLARKNEXSEN.COM
CLARK NEXSEN ARCHITECTS & ENGINEERS, P.A. FIRM #C-1628

CONSULTANT

SEALT
CLARK NEXSEN, INC. CERT NO. 30650 RALEIGH, NC

SUBMITTAL
TRC REVIEW

MM/DD/YY

PLOT

TITLE
ELEVATIONS

A3
SHEET OF XX

DESIGN BY: DRAWN BY: CHECKED BY: REVIEW BY:
5893

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166

Exhibit C
Pg 3 of 3

ORDINANCE NO. 4571

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 11th day of April, 2017.

Magdalen Bourleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

PURPOSE: Stoner Road Possible Quiet Zone

Magdalen Bourleson
City Clerk

168

CITY OF ASHEVILLE

BUDGET AMENDMENT

FISCAL YEAR	EFFECTIVE DATE
2016/17	1/24/2017

Amendment to	X Operating ____ Capital or Grant (Special Revenue)
Purpose	To accept a payment for an administrative fee to establish a quiet zone at the Stoner Road at-grade crossing in the Oakley community of East Asheville.
Requesting Department	Transportation

				Beginning Budget	New Budget	Increase or Decrease By
Fund	General					
Revenue	Sales and Services					
Acct #	11000210	450000		0.00	5,400.00	5,400.00
	Org	Obj	Project			
Fund	General					
Expend.	Licenses Taxes & Fees					
Acct #	11000210	528001		1,165.00	6,565.00	5,400.00
	Org	Obj	Project			

BALANCE 0.00

ORDINANCE NO. 4572

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 11th day of April, 2017.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

PURPOSE: State Regionla Hazardous Materials Response Team No. 6

Magdalen Burleson
City Clerk

170

CITY OF ASHEVILLE

BUDGET AMENDMENT

FISCAL YEAR	EFFECTIVE DATE
2016/17	4/11/2017

Amendment to	X Operating _____ Capital or Grant (Special Revenue)
Purpose	Change in contract agreement for State Regional Hazardous Materials Respone Team
Requesting Department	Fire Department

				Beginning Budget	New Budget	Increase or Decrease By
Fund	General Fund					
Revenue	RRT-6 Annual Contract Op Allot					
Acct #	11000111	436000		69,000.00	75,000.00	6,000.00
	Org	Obj	Project			
Fund	General Fund					
Expend.	Training					
Acct #	110000111	523001		100,500.00	106,500.00	6,000.00
	Org	Obj	Project			
Fund						
Revenue						
Acct #	00000000	000000				0.00
	Org	Obj	Project			
Fund						
Expend.						
Acct #	00000000	000000				0.00
	Org	Obj	Project			

BALANCE 0.00

ORDINANCE NO. 4573

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 11th day of April, 2017.

Magdalen Bowlesson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

PURPOSE: U.S. Cellular Center FY 2016-17
Revenues & Expenditures Updated

Magdalen Bowlesson
City Clerk

172

CITY OF ASHEVILLE

BUDGET AMENDMENT

FISCAL YEAR	EFFECTIVE DATE
2016/17	4/11/2016

Amendment to	X Operating Capital or Grant (Special Revenue)
Purpose	Adjust USCC budget to reflect additional bookings and associated exspenses
Requesting Department	Community & Economic Development

				Beginning Budget	New Budget	Increase or Decrease By
Fund	USCC Fund					
Revenue	Concessions					
Acct #	62600904	450508		385,000.00	622,000.00	237,000.00
	Org	Obj	Project			
Fund	USCC Fund					
Revenue	Rents - Facility Fees					
Acct #	62600900	450313		224,000.00	274,000.00	50,000.00
	Org	Obj	Project			
Fund	USCC Fund					
Revenue	Ticket Office					
Acct #	62600903	450358		52,000.00	225,000.00	173,000.00
	Org	Obj	Project			
Fund	USCC Fund					
Expend.	Compensation - Temp/Seasonal					
Acct #	62600902	511003		22,000.00	72,000.00	50,000.00
	Org	Obj	Project			
Fund	USCC Fund					
Expend.	Compensation - Temp/Seasonal					
Acct #	62600904	511003		107,400.00	142,400.00	35,000.00
	Org	Obj	Project			
Fund	USCC Fund					
Expend.	Contracted Services					
Acct #	62600904	521001		50,759.00	125,759.00	75,000.00
	Org	Obj	Project			
Fund	USCC Fund					
Expend.	Purchases For Resale					
Acct #	62600904	526202		92,497.54	242,497.54	150,000.00
	Org	Obj	Project			
Fund	USCC Fund					
Expend.	Show Settlement Expense					
Acct #	62600904	528016		104,000.00	254,000.00	150,000.00
	Org	Obj	Project			

BALANCE 0.00

ORDINANCE NO. 4574

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 11th day of April, 2017.

Magdalen Bouleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

PURPOSE: Replacement of Contract Staffing

Magdalen Bouleson
City Clerk

174

CITY OF ASHEVILLE

BUDGET AMENDMENT

FISCAL YEAR	EFFECTIVE DATE
2016/17	4/11/2017

Amendment to	X Operating Capital or Grant (Special Revenue)
Purpose	To replace FIRST at Blue Ridge contract with staff
Requesting Department	Public Works

				Beginning Budget	New Budget	Increase or Decrease By
Fund	General Fund					
Revenue	Appropriated Fund Balance					
Acct #	11000032	499100		203,375.00	248,660.00	45,285.00
	Org	Obj	Project			
Fund	General Fund					
Expend.	Compensation - Full Time Reg					
Acct #	11003110	511001		974,153.00	1,004,153.00	30,000.00
	Org	Obj	Project			
Fund	General Fund					
Expend.	Compensation - Full Time Reg					
Acct #	11000231	511001		145,066.00	160,351.00	15,285.00
	Org	Obj	Project			

BALANCE 0.00

ORDINANCE NO. 4575

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 11th day April, 2017.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

PURPOSE: Tourism Product Development Funds

Magdalen Burleson
City Clerk

176

CITY OF ASHEVILLE

BUDGET AMENDMENT

FISCAL YEAR	EFFECTIVE DATE
2016/17	4/11/2017

Amendment to	X Operating Capital or Grant (Special Revenue)
Purpose	To budget the TPDF Theater Project at the US Cellular Center.
Requesting Department	US Cellular Center

				Beginning Budget	New Budget	Increase or Decrease By
Fund	Civic Center Capital Projects Fund					
Revenue	Oper Transfers General Fund					
Acct #	62790905	498100	C1701	0.00	1,475,000.00	1,475,000.00
	Org	Obj	Project			
Fund	Civic Center Capital Projects Fund					
Revenue	Rstr Intrgv Oth Loc - TPDF Grant					
Acct #	62700905	437110	C1701	0.00	1,500,000.00	1,500,000.00
	Org	Obj	Project			
Fund	Civic Center Capital Projects Fund					
Revenue	Interim Credit Facility					
Acct #	62700905	494171	C1701	0.00	315,600.00	315,600.00
	Org	Obj	Project			
Fund	Civic Center Capital Projects Fund					
Expend.	Professional Services					
Acct #	62700905	521002	C1701	0.00	320,000.00	320,000.00
	Org	Obj	Project			
Fund	Civic Center Capital Projects Fund					
Expend.	Machinery & Equipment					
Acct #	62700905	614101	C1701	0.00	600,000.00	600,000.00
	Org	Obj	Project			
Fund	Civic Center Capital Projects Fund					
Expend.	Contracted Services					
Acct #	62700905	521001	C1701	0.00	2,370,600.00	2,370,600.00
	Org	Obj	Project			

BALANCE 0.00

ORDINANCE NO. 4576

AN ORDINANCE AMENDING CHAPTER 19, ARTICLE V, DIVISION 1, SECTION 19-137 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

Section 1: That Index to Chapter 19 of the Code of Ordinances of the City of Asheville is amended as follows:

The title to Article V, Division 1, Section 19-137 **"Parking in front of private driveway, fire hydrant, fire station, intersection of curblines or fire lane"** is removed and replaced with **"Parking prohibitions at certain locations"**.

Section 2: That Chapter 19, Article V, Division 1, Section 19-137 of the Code of Ordinances of the City of Asheville is amended as follows:

Eliminate the title **"Parking in front of private driveway, fire hydrant, fire station, intersection of curblines or fire lane"** and replace with the title **"Parking prohibitions at certain locations"**.

Section 3: That Chapter 19, Article V, Division 1, Section 19-137(a) of the Code of Ordinances of the City of Asheville is amended as follows:

Eliminate all of (a) and replace with

It shall be unlawful for the driver of a vehicle to stop, stand or park such vehicle in any of the following places, except when necessary to avoid conflict with other traffic or with the direction of a police officer or traffic signal:

(1) Within an intersection;

(2) On a crosswalk;

(3) Between a safety zone and the adjacent curb, or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless otherwise indicated by signs or marks;

(4) Within 25 feet of the driveway or entrance to any fire station;

(5) Within 15 feet of any fire hydrant;

(6) In front of any private driveway;

(7) In a designated bicycle lane that is identified with pavement markings and/or signs.

(8) On any sidewalk;

(9) On any curb;

(10) On any median strip;

(11) On any landscaped or planted area within the right-of-way of any street, highway or roadway;

(12) Alongside of or opposite any street excavation or obstruction, when such stopping or parking shall obstruct traffic;

(13) On the roadway side of any vehicle stopped or parked at the edge of a street, highway or roadway, except in such instances as double parking may be allowed by the regulations of this chapter;

(14) At any place where official traffic signs have been erected prohibiting standing or parking.

Section 4: That all ordinances or parts thereof in conflict with the provisions of this ordinance are hereby repealed.

Section 5: That this ordinance shall be in full force and effect upon adoption by the City of Asheville.

Read, approved, and adopted this 25th day of April 2017.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form

City Attorney

Magdalen Burleson
City Clerk

ORDINANCE NO. 4577

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 25th day of April, 2017.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

PURPOSE: Fire Engine 6 Replacement

Magdalen Burleson
City Clerk

180

CITY OF ASHEVILLE

BUDGET AMENDMENT

FISCAL YEAR	EFFECTIVE DATE
2016/17	4/25/2017

Amendment to	X Operating X Capital or Grant (Special Revenue)
Purpose	To Purchase a Replacement for Fire Engine 6
Requesting Department	Asheville Fire Department

				Beginning Budget	New Budget	Increase or Decrease By
Fund	General Fund					
Revenue	Fund Balance					
Acct #	11000032	499100		248,660.00	756,727.00	508,067.00
	Org	Obj	Project			
Fund	General Fund					
Expend.	Transfer to Capital Fund					
Acct #	11090060	800410		1,150,000.00	1,658,067.00	508,067.00
	Org	Obj	Project			
Fund	Capital Projects Fund					
Revenue	Transfer from General Fund					
Acct #	41000110	498100	F1704	0.00	508,067.00	508,067.00
	Org	Obj	Project			
Fund	Capital Projects Fund					
Revenue	Transfer from City Property & Liability Fund					
Acct #	41000110	498813	F1704	0.00	91,933.00	91,933.00
	Org	Obj	Project			
Fund	Capital Projects Fund					
Expend.	Machinery & Equipment					
Acct #	41000110	614101	F1704	0.00	600,000.00	600,000.00
	Org	Obj	Project			

BALANCE 0.00

ORDINANCE NO. 4578

ORDINANCE AMENDING CONDITIONAL ZONING FOR PROPERTY LOCATED AT 50 WILBAR AVE.

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statues, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this proposed amendment is consistent with the City's 2025 Comprehensive Plan, Smart Growth policies, and other official plans of the City for the reasons set out in the Staff Report, which is hereby adopted and incorporated by reference; and

WHEREAS, this proposed ordinance is determined to be reasonable and in the public interest as follows:

a. Expands affordable and workforce housing choices in the city; and
b. Supports smart growth by increasing density and improving transportation and pedestrian infrastructure.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

The zoning classification of that certain real property described in Exhibit A and identified on Buncombe County tax maps as PIN 9648-36-5793, recorded in Deed Book 689, Page 379 and currently owned by the Asheville Housing Authority, be amended by increasing the number of units from 199 to 212 and by adding a new public road and road right-of-way as set out in Exhibit "B-1" and substantially complies with the site plans shown in Exhibit "C", both attached hereto and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. The ordinances shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 5. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 25th day of April, 2017.

Magdalen Bouleson
City Clerk

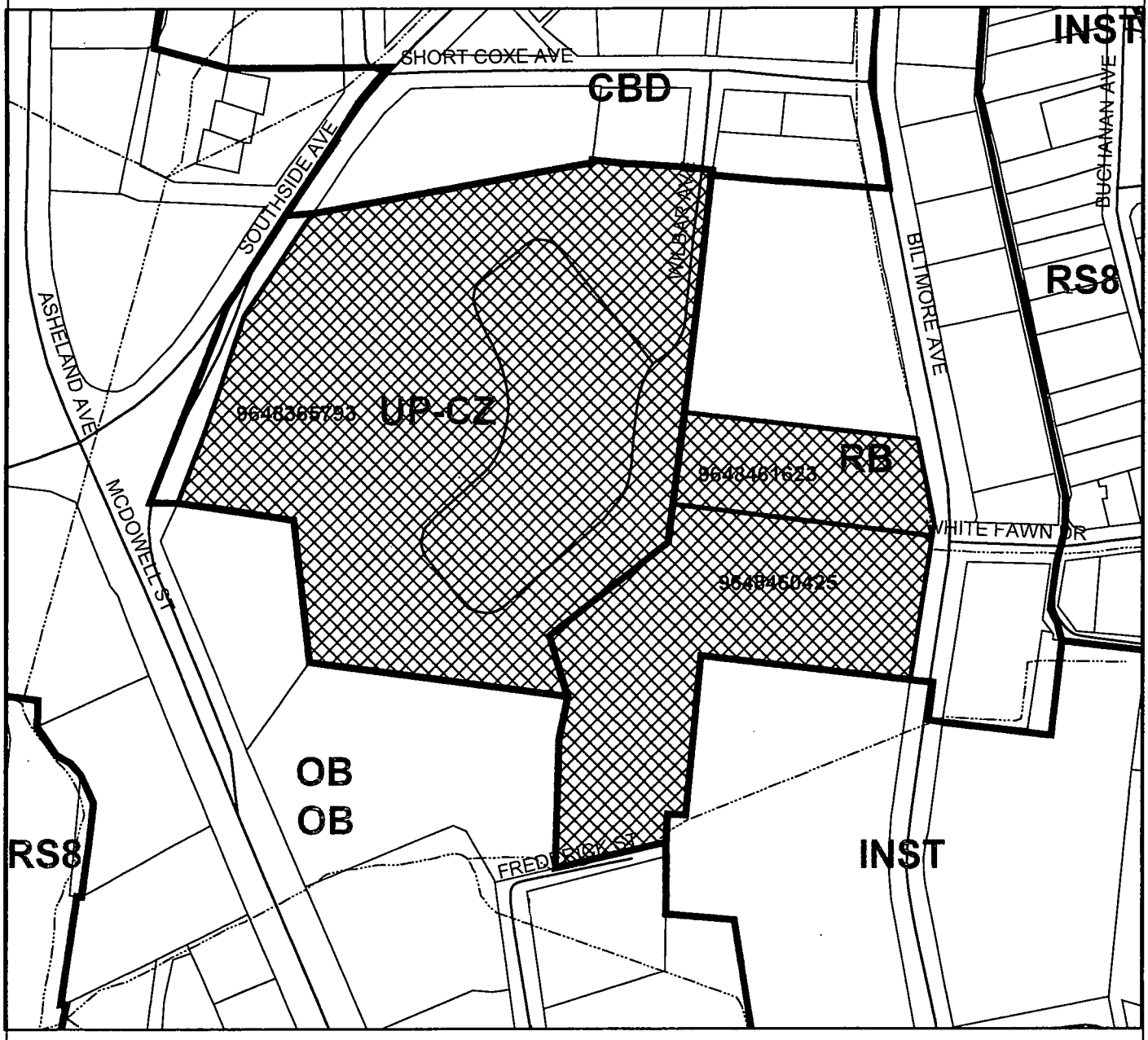
Esther E. Manheimer
Mayor

Approved as to form:

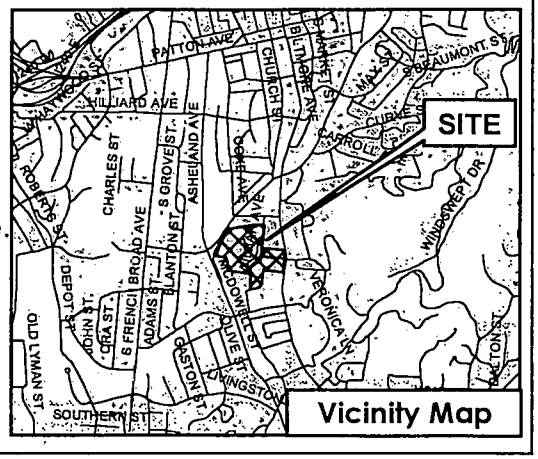
City Attorney

Magdalen Bouleson
City Clerk

City of Asheville - Exhibit A Map
CZ Amendment - Lee Walker Heights



Project Name: Lee Walker Heights (Amendment)
Project Number: 16 - 02374 PZ
Project Description: CZ Amendment - 212 Unit Multi-family+
Petitioner(s): Asheville Housing Authority
Parcel ID Number(s): 9648-36-5793; 9648-46-0425 & 1623
Location/Address: 50 Wilbar Ave.; 319 & 9999 Biltmore Ave.



Project Site | Zoning Districts | Parcels | Streets | Asheville City Limits | River Areas | Historic District Overlay | Transitional Use Overlay

City of Asheville Planning and Urban Design Department - November 2016

184

50 Wilbar Ave. (Lee Walker Heights) – Multifamily Development

Exhibit B.1 – Conditions List (Amended)

1. The zoning for the site is Urban Place – Conditional Zone (UP-CZ).

2. There shall be ~~199~~ 212 units contained within seven buildings, built in two phases.

3. Buildings will range from two to four-stories and from 13,000 to 120,000 square feet.

4. Residential, street facing facades shall provide openings (doors, windows, balconies, etc.) totaling a minimum 20% of the façade's surface area.

5. Ground level, non-residential, street facing facades shall provide openings (doors, windows, curtain walls, etc.) totaling a minimum 40% of the façade's surface area.

6. Building 2 shall be setback a maximum of 16-32 feet from the road right-of-way; Building types 3 and 4 shall be setback a maximum of 15-25 from the road right-of-way in conformance with the site plan.

7. There shall be 10,975 square feet of non-residential space located in Buildings 1 and 2.

8. Required landscaping includes street trees, building impact, street buffer and parking lot landscaping, along with dumpster screening in conformance with the site plan.

9. The project will provide open space in excess of the minimum 5% (0.58 acres) which includes natural areas and both passive and active recreation areas.

10. The project will retain the existing wooded buffer on the west side of the property, and other pockets of existing vegetation on the south and east sides of the property in conformance with the site plan.

11. At least 96 units will be affordable to households earning at or below 60% of the Area Median Income (AMI) for a minimum period of 30 years.

12. A 50-foot right-of-way and new road shall be extended through the project area, including on-street parking spaces, in conformance with the site plan.

13. A new road connection with a 50-foot right-of-way, two travel lanes, curb and gutter and a 10-foot wide sidewalk will be provided via a recorded easement across adjacent property to the east connecting with Biltmore Ave.

14. 10-foot back of curb sidewalks shall be located along either side of Walker Plaza Ave. and along the west side of the first 680-feet of Lee Garden Ave. in conformance with the site plan.

15. 6-foot back of curb sidewalks shall be located along one side of the remainder of Lee Garden Ave. in conformance with the site plan.

16. For the first 250 feet of Wilbar Ave., a 10-foot back of curb sidewalk shall be located along the east side, and a 6-foot back of curb sidewalk shall be located on the west side of the road.

17. Other pedestrian connections and public gathering areas including: courtyards, a playground, sports courts and a community garden are included in the project and will be in conformance with the site plan.

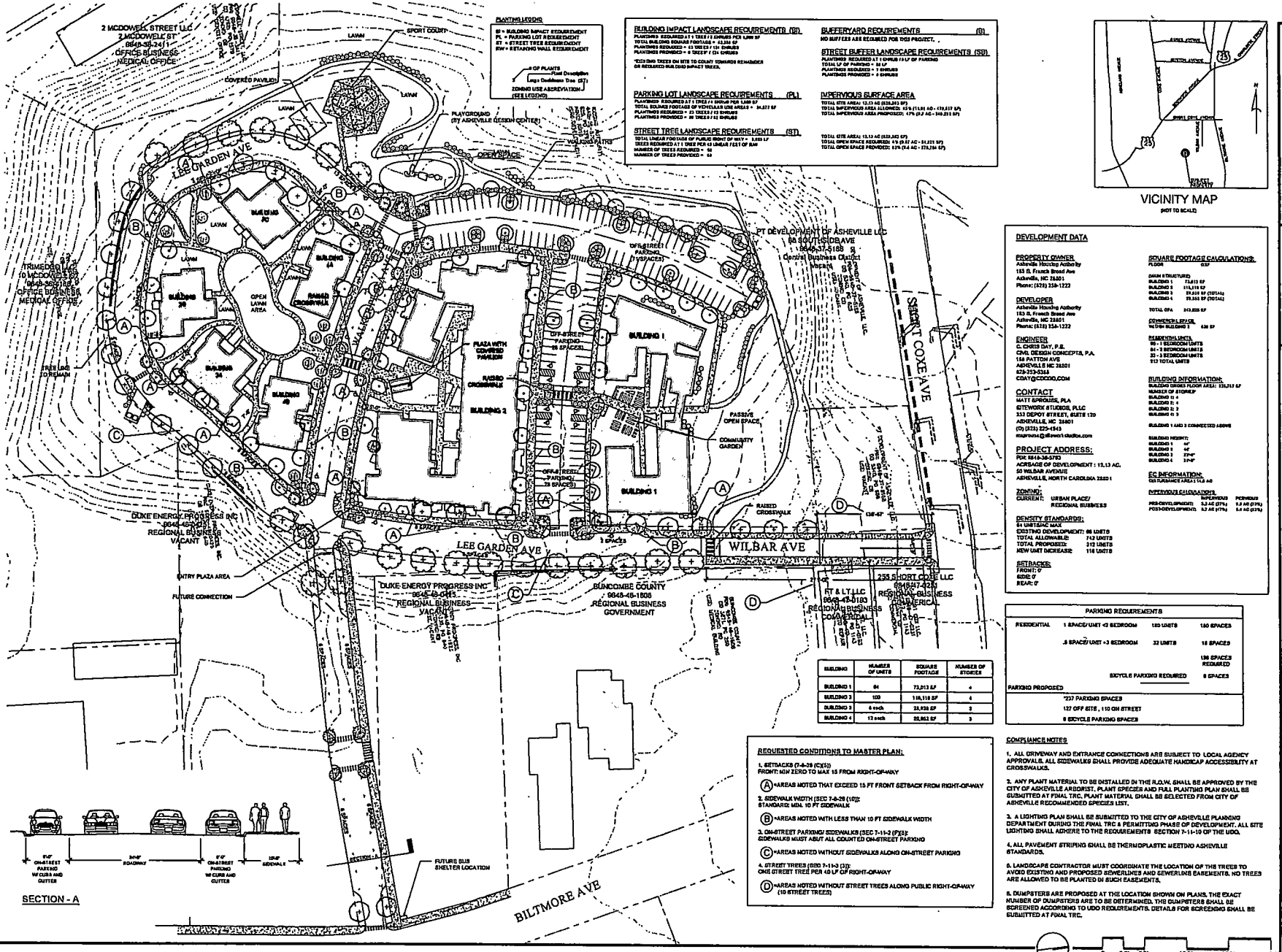
18. A new fully accessible transit stop and shelter shall be provided at the intersection of the new (unnamed) road connection and Biltmore Ave.

19. A combination of on-street and off-street surface parking will meet the minimum off-street parking requirements of the development.

20. The existing Wilbar Ave. shall be given a different name that is acceptable to the City's Emergency Addressing Coordinator.

21. The site and building design, construction materials, orientation and layout must substantially comply with the amended site plan, ~~and~~ building elevations and road cross-section (attached hereto) and incorporated by reference. Any major deviations from these plans will result in reconsideration of the project by the reviewing boards.

186



PLANTING LEGEND

BI = BUILDING IMPACT REQUIREMENT
PL = PARKING LOT REQUIREMENT
ST = STREET TREE REQUIREMENT
RW = RETAINING WALL REQUIREMENT

OF PLANTS — Plant Description (e.g. Deciduous Tree (ST)) — ZONING USE ABBREVIATION (SEE LEGEND)

BUILDING IMPACT LANDSCAPE REQUIREMENTS (BI)

PLANTINGS REQUIRED AT 1 TREE / 1 SHRUB PER 1,000 SF
TOTAL BUILDING SQUARE FOOTAGE = 43,334 SF
PLANTINGS REQUIRED = 43 TREES / 134 SHRUBS
PLANTINGS PROVIDED = 0 TREES* / 134 SHRUBS

*ECO-DING TREES ON SITE TO COUNT TOWARDS REMAINDER OR REQUIRED BUILDING IMPACT TREES.

PARKING LOT LANDSCAPE REQUIREMENTS (PL)

PLANTINGS REQUIRED AT 1 TREE / 1 SHRUB PER 1,000 SF
TOTAL SQUARE FOOTAGE OF VEHICULAR USE AREAS = 34,577 SF
PLANTINGS REQUIRED = 35 TREES / 35 SHRUBS
PLANTINGS PROVIDED = 35 TREES / 35 SHRUBS

STREET TREE LANDSCAPE REQUIREMENTS (ST)

TOTAL LINEAR FOOTAGE OF PUBLIC RIGHT OF WAY = 1,025 LF
TREES REQUIRED AT 1 TREE PER 40 LINEAR FEET OF R/W
NUMBER OF TREES REQUIRED = 52
NUMBER OF TREES PROVIDED = 52

BUFFERYARD REQUIREMENTS (B)

NO BUFFERS ARE REQUIRED FOR THIS PROJECT.

STREET BUFFER LANDSCAPE REQUIREMENTS (SB)

PLANTINGS REQUIRED AT 1 SHRUB / 3 LF OF PARKING
TOTAL LF OF PARKING = 16 LF
PLANTINGS REQUIRED = 1 SHRUBS
PLANTINGS PROVIDED = 6 SHRUBS

IMPERVIOUS SURFACE AREA

TOTAL SITE AREA: 12.13 AC (528,363 SF)
TOTAL IMPERVIOUS AREA ALLOWED: 55% (11.91 AC - 470,117 SF)
TOTAL IMPERVIOUS AREA PROPOSED: 47% (9.2 AC - 399,211 SF)

TOTAL SITE AREA: 12.13 AC (528,363 SF)
TOTAL OPEN SPACE REQUIRED: 45% (5.47 AC - 51,231 SF)
TOTAL OPEN SPACE PROVIDED: 53% (6.4 AC - 278,154 SF)

VICINITY MAP
(NOT TO SCALE)

DEVELOPMENT DATA

PROPERTY OWNER
Asheville Housing Authority
165 S. French Broad Ave
Asheville, NC 28801
Phone: (828) 259-1222

DEVELOPER
Asheville Housing Authority
165 S. French Broad Ave
Asheville, NC 28801
Phone: (828) 259-1222

ENGINEER
C. CHRIS DAY, P.E.
CIVIL DESIGN CONCEPTS, P.A.
116 PATTON AVE
ASHEVILLE NC 28801
828-253-6343
CDAY@CDCSNC.COM

CONTACT
MATT SPROUSE, PLA
SITEWORK STUDIOS, PLLC
333 DEPOT STREET, SUITE 120
ASHEVILLE, NC 28801
(O) (828) 225-1943
msprouse@sitework studios.com

PROJECT ADDRESS:
PIN: 0640-36-3783
ACREAGE OF DEVELOPMENT : 12.13 AC.
50 WILBAR AVENUE
ASHEVILLE, NORTH CAROLINA 28801

ZONING:
CURRENT: URBAN PLACE/ REGIONAL BUSINESS

DENSITY STANDARDS:
84 UNITS/AC MAX
EXISTING DEVELOPMENT: 86 UNITS
TOTAL ALLOWABLE: 742 UNITS
TOTAL PROPOSED: 312 UNITS
NEW UNIT DECREASE: 116 UNITS

SETBACKS:
FRONT: 0'
SIDE: 0'
REAR: 0'

SQUARE FOOTAGE CALCULATIONS:
FLOOR GSF

MAIN STRUCTURE:
BUILDING 1 73,013 SF
BUILDING 2 116,118 SF
BUILDING 3 39,935 SF (TOTAL)
BUILDING 4 39,935 SF (TOTAL)

TOTAL GFA 313,001 SF

COMMUNITY SPACE
1st Floor BUILDING 1 436 SF

RESIDENTIAL UNITS:
90 - 1 BEDROOM UNITS
84 - 2 BEDROOM UNITS
33 - 3 BEDROOM UNITS
312 TOTAL UNITS

BUILDING INFORMATION:
BUILDING GROSS FLOOR AREA: 328,313 SF
NUMBER OF STORIES*
BUILDING 1: 4
BUILDING 2: 4
BUILDING 3: 3
BUILDING 4: 3

BUILDING 1 AND 2 CONNECTED ABOVE

BUILDING HEIGHT:
BUILDING 1 44'
BUILDING 2 44'
BUILDING 3 37'6"
BUILDING 4 37'6"

EC INFORMATION:
GIS SURFACE AREA: 12.13 AC

IMPERVIOUS CALCULATION:

	IMPERVIOUS	PERVIOUS
PRE-DEVELOPMENT:	3.3 AC (27%)	8.8 AC (73%)
POST-DEVELOPMENT:	5.7 AC (47%)	6.4 AC (53%)

BUILDING	NUMBER OF UNITS	SQUARE FOOTAGE	NUMBER OF STORIES
BUILDING 1	84	73,013 SF	4
BUILDING 2	100	116,118 SF	4
BUILDING 3	6 each	39,935 SF	3
BUILDING 4	13 each	39,935 SF	3

PARKING REQUIREMENTS

RESIDENTIAL	1 SPACE/UNIT <2 BEDROOM	180 UNITS	180 SPACES
	.5 SPACE/UNIT >2 BEDROOM	32 UNITS	16 SPACES
			196 SPACES REQUIRED
	BICYCLE PARKING REQUIRED		8 SPACES
PARKING PROPOSED			
	*237 PARKING SPACES		
	127 OFF SITE , 110 ON STREET		
	8 BICYCLE PARKING SPACES		

REQUESTED CONDITIONS TO MASTER PLAN:

1. SETBACKS (7-8-29 (C)(5))
FRONT: MIN ZERO TO MAX 15 FROM RIGHT-OF-WAY

(A) =AREAS NOTED THAT EXCEED 15 FT FRONT SETBACK FROM RIGHT-OF-WAY

2. SIDEWALK WIDTH (SEC 7-8-28 (10)):
STANDARD: MIN. 10 FT SIDEWALK

(B) =AREAS NOTED WITH LESS THAN 10 FT SIDEWALK WIDTH

3. ON-STREET PARKING/ SIDEWALKS (SEC 7-11-2 (F)(3)):
SIDEWALKS MUST ABUT ALL COUNTED ON-STREET PARKING

(C) =AREAS NOTED WITHOUT SIDEWALKS ALONG ON-STREET PARKING

4. STREET TREES (SEC 7-11-3 (3)):
ONE STREET TREE PER 40 LF OF RIGHT-OF-WAY

(D) =AREAS NOTED WITHOUT STREET TREES ALONG PUBLIC RIGHT-OF-WAY (10 STREET TREES)

COMPLIANCE NOTES

1. ALL DRIVEWAY AND ENTRANCE CONNECTIONS ARE SUBJECT TO LOCAL AGENCY APPROVALS. ALL SIDEWALKS SHALL PROVIDE ADEQUATE HANDICAP ACCESSIBILITY AT CROSSWALKS.

2. ANY PLANT MATERIAL TO BE INSTALLED IN THE R.O.W. SHALL BE APPROVED BY THE CITY OF ASHEVILLE ARBORIST. PLANT SPECIES AND FULL PLANTING PLAN SHALL BE SUBMITTED AT FINAL TRC. PLANT MATERIAL SHALL BE SELECTED FROM CITY OF ASHEVILLE RECOMMENDED SPECIES LIST.

3. A LIGHTING PLAN SHALL BE SUBMITTED TO THE CITY OF ASHEVILLE PLANNING DEPARTMENT DURING THE FINAL TRC & PERMITTING PHASE OF DEVELOPMENT. ALL SITE LIGHTING SHALL ADHERE TO THE REQUIREMENTS SECTION 7-11-10 OF THE UDO.

4. ALL PAVEMENT STRIPING SHALL BE THERMOPLASTIC MEETING ASHEVILLE STANDARDS.

5. LANDSCAPE CONTRACTOR MUST COORDINATE THE LOCATION OF THE TREES TO AVOID EXISTING AND PROPOSED SEWERLINES AND SEWERLINE EASEMENTS. NO TREES ARE ALLOWED TO BE PLANTED IN SUCH EASEMENTS.

6. DUMPSTERS ARE PROPOSED AT THE LOCATION SHOWN ON PLANS. THE EXACT NUMBER OF DUMPSTERS ARE TO BE DETERMINED. THE DUMPSTERS SHALL BE SCREENED ACCORDING TO UDO REQUIREMENTS. DETAILS FOR SCREENING SHALL BE SUBMITTED AT FINAL TRC.

THIS DOCUMENT IS THE PROPERTY OF SITEWORK STUDIOS, PLLC. IT IS TO BE USED FOR THIS SPECIFIC PROJECT ONLY AND IS NOT TO BE USED OTHERWISE WITHOUT OBTAINING WRITTEN CONSENT FROM SITEWORK STUDIOS, PLLC.

sitework STUDIOS
LANDSCAPE ARCHITECTURE
333 Depot Street | Suite 120 | Asheville, NC 28801 | 828.225.1943

CONSULTANT

LEE WALKER HEIGHTS

PREPARED FOR:
Asheville Housing Authority
165 S. French Broad Ave
Asheville, NC 28801

REVISIONS

NO.	REMARKS	DATE
1	planning & zoning comments	3/23/16
2	general site updates	1/26/17

NOT FOR CONSTRUCTION
C-188
SITEWORK STUDIOS

DATE
2.24.16

SHEET TITLE
MASTER PLAN

SHEET NO.
L-100

Exhibit C

ORDINANCE NO. 4579

ORDINANCE AMENDING CHAPTER 7 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE TO AMEND THE COTTAGE DEVELOPMENT STANDARDS

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety, and welfare; and

WHEREAS, the Unified Development Ordinance (Chapter 7 of the City Code of Ordinances) provides allowances for cottage developments and the options for such developments should be expanded and updated; and

WHEREAS, this Ordinance is determined to be reasonable, in the public interest, and is consistent with the Comprehensive Plan in the following ways:

(1) Improves an existing zoning tool to support the supply and diversity of housing and,
(2) Applies development standards that ensure good site design and neighborhood compatibility.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1: Chapter 7 of the Code of Ordinances of the City of Asheville is hereby amended as follows:

a. Sec. 7-2-5 is amended by replacing the definition of "Cottage Development" with the following:

Cottage development means a cluster of small detached single-family residences constructed to specific standards and arranged around common open space generally at higher density than the underlying zoning would allow for traditional detached single-family residential development.

b. Sec. 7-16-1(c)(20) is replaced in its entirety with the following:

(20)*Cottage developments.*

a. Use districts: RS-8, RM-6, RM-8, RM-16.

b. Purpose: The purpose of this use is to allow small infill development of small single-family homes as a means to increase the stock of housing affordable at the "workforce" and "affordable" housing levels. It is intended that the allowed greater density will be offset by the smaller size of the homes, and the design of the development - its layout and landscaping are of particular importance to ensure that it complements the surrounding existing neighborhood. Further it is important that any proposal be designed to fit into the context of the surrounding existing neighborhood, so the relationship of the design to

existing setbacks and prevailing lot sizes and housing orientation should be taken into account.

c. The property shall be lawfully established and conforming to the underlying zoning district(s).

d. The minimum and maximum number of cottage homes in a cottage development shall be five and 15, respectively. Cottage developments shall not be subject to the density limitations of the underlying zoning district.

e. Cottage developments shall not be developed on sites subject to steep slopes and ridgetop requirements.

f. Cottage developments shall be located a minimum of 200 feet from other cottage developments. In calculating the distance between such uses, measurements shall be taken from the closest property line of the lot of the closest existing cottage development to the closest property line of the lot of the proposed cottage development.

g. The minimum setback requirements for the underlying zoning district shall apply and, in addition, there shall be a minimum of six feet separating cottage homes from each other and adjacent structures on all sides.

h. The maximum height for cottage homes shall be 28 feet. Accessory structures shall not exceed 20 feet in height. For the purpose of this subsection, height shall be calculated as the vertical distance from grade to the midpoint of the peak and eave.

i. The maximum gross floor area for individual cottage homes shall be 1,400 square feet, with a maximum gross floor area on the ground floor of 1,200 square feet. For the purpose of this subsection, gross floor area shall include the floor area of any attached garages and shall not include the floor area of any roofed porches, provided such porches are not enclosed.

   Accessory structures shall be limited to detached garages and community buildings and such uses shall not contain more than 800 square feet of gross floor area. The maximum number of such accessory structures shall not exceed 60 percent of the total number of cottage homes in a cottage development.

j. Parking requirements for cottage developments shall be as follows:

   - The minimum and maximum parking requirement for cottage developments shall be a minimum of one space per each cottage home and a maximum of two spaces per each cottage home, respectively.

   - Parking lots with six or more spaces shall not be provided within 25 feet of an adjoining street right-of-way or property line unless screened by a Type A buffer.

   - Parking for cottage developments should generally be dispersed across the site in groupings of fewer than six spaces. No more than 12 spaces shall be grouped together.

k. Cottage developments shall not contain accessory dwelling units.

l. Open space requirements for cottage developments shall be of two types, as specified below:

   - Common open space - A minimum of 500 square feet shall be provided for each cottage home. Common open space shall be arranged so that at least 75 percent of the cottage homes are adjacent to and have direct access to the open space so that it forms a central

common green where a minimum of 20% is improved to include space for congregation and/or recreation including, but not limited to: common lawn; gazebos; patios; gardens; connected walking trails; communal fire pit, etc. All communal features shall be available to all residents.

- Private open space - A minimum of 300 square feet shall be provided for each cottage home. Private open space shall be designated by fencing, landscaping, hardscaping or other means to create a separate private area for the exclusive use of the person(s) residing in each individual cottage home. If the required private open space is provided in more than one location (such as a flower bed in the front and a fenced yard or patio in the rear), no one area shall contain less than 100 square feet.

m. Cottage homes shall be oriented towards the primary road with a build-to line that is within 5-feet of the average build-to line of the homes on the same side of the street for the same block. When no average build-to line is established, the underlying setback shall apply.

Section 2: If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 3: All ordinances or parts of ordinances in conflict are hereby repealed to the extent of such conflict.

Section 4: This ordinance will become effective upon adoption.

Read, approved, and adopted this the 25th day of April, 2017.

Magdalen Bouleson
City Clerk

Edwin G. Mark
Mayor

Approved as to form:

City Attorney

Magdalen Bouleson
City Clerk

190

ORDINANCE NO. 4580

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 9th day of May, 2017.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

PURPOSE: Acceptance of CWRAR Grant Funding from NCDENR to carry out a project to expand recycling availability in public housing and to implement a composting project at the US Cellular Center.

Magdalen Burleson
City Clerk

CITY OF ASHEVILLE

BUDGET AMENDMENT

FISCAL YEAR	EFFECTIVE DATE
2016/17	5/9/2017

Amendment to	___ Operating X Capital or Grant (Special Revenue)
Purpose	Acceptance of CWRAR Grant Funding from NCDENR
Requesting Department	Sustainability

				Beginning Budget	New Budget	Increase or (Decrease) By
Fund	General Fund					
Expend.	Contingencies (Green Fund)					
Acct #	11000016	528013		651,378.59	642,594.59	(8,784.00)
	Org	Obj	Project			
Fund	General Fund					
Expend.	Transfer to Grant Fund					
Acct #	11090016	800220		0.00	8,784.00	8,784.00
	Org	Obj	Project			
Fund	Grant Fund					
Revenue	Transfer from General Fund					
Acct #	22090016	498100	G1603	0.00	8,784.00	8,784.00
	Org	Obj	Project			
Fund	Grant Fund					
Revenue	State Grant					
Acct #	22000016	436000	G1603	0.00	19,517.00	19,517.00
	Org	Obj	Project			
Fund	Grant Fund					
Expend.	Contracted Services					
Acct #	22000016	521001	G1603	0.00	21,800.00	21,800.00
	Org	Obj	Project			
Fund	Grant Fund					
Expend.	Services - Outside Printing					
Acct #	22000016	521007	G1603	0.00	3,501.00	3,501.00
	Org	Obj	Project			
Fund	Grant Fund					
Expend.	Supplies - Other					
Acct #	22000016	524001	G1603	0.00	3,000.00	3,000.00
	Org	Obj	Project			

BALANCE 0.00

ORDINANCE NO. 4581

ORDINANCE ESTABLISHING CONDITIONAL ZONING FOR PROPERTY LOCATED AT 190 HOMINY CREEK ROAD

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statues, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this proposed amendment is consistent with the City's 2025 Comprehensive Plan, Smart Growth policies, and other official plans of the City and is determined to be to be reasonable and in the public interest for the following reasons:

a) the site has historically been an industrial use;
b) additional landscaping and the location serves to largely conceal the facility from adjacent uses and the nearby neighborhood;
c) the facility is integral to the City's solid waste and recycling functions; and
d) the expansion and upgrading of the facility eliminates the need to relocate this use to another part of the community.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

The zoning classification of that certain real property described in Exhibit A and identified on Buncombe County tax maps as PIN 9637-17-4104, recorded in Deed Book 1230, Page 0581 and currently owned by Buncombe County from Institutional (INST) to Industrial - Conditional Zoning District (IND-CZ). A copy of the official zoning map showing said lots is attached hereto as Exhibit "A" and made a part hereof. Said rezoning is subject to the conditions set out in Exhibit "B.1", and substantially complies with the site plans shown in Exhibit "C", both attached hereto and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. The ordinances shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 5. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 9th day of May, 2017.

Magdalen Bowlesson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

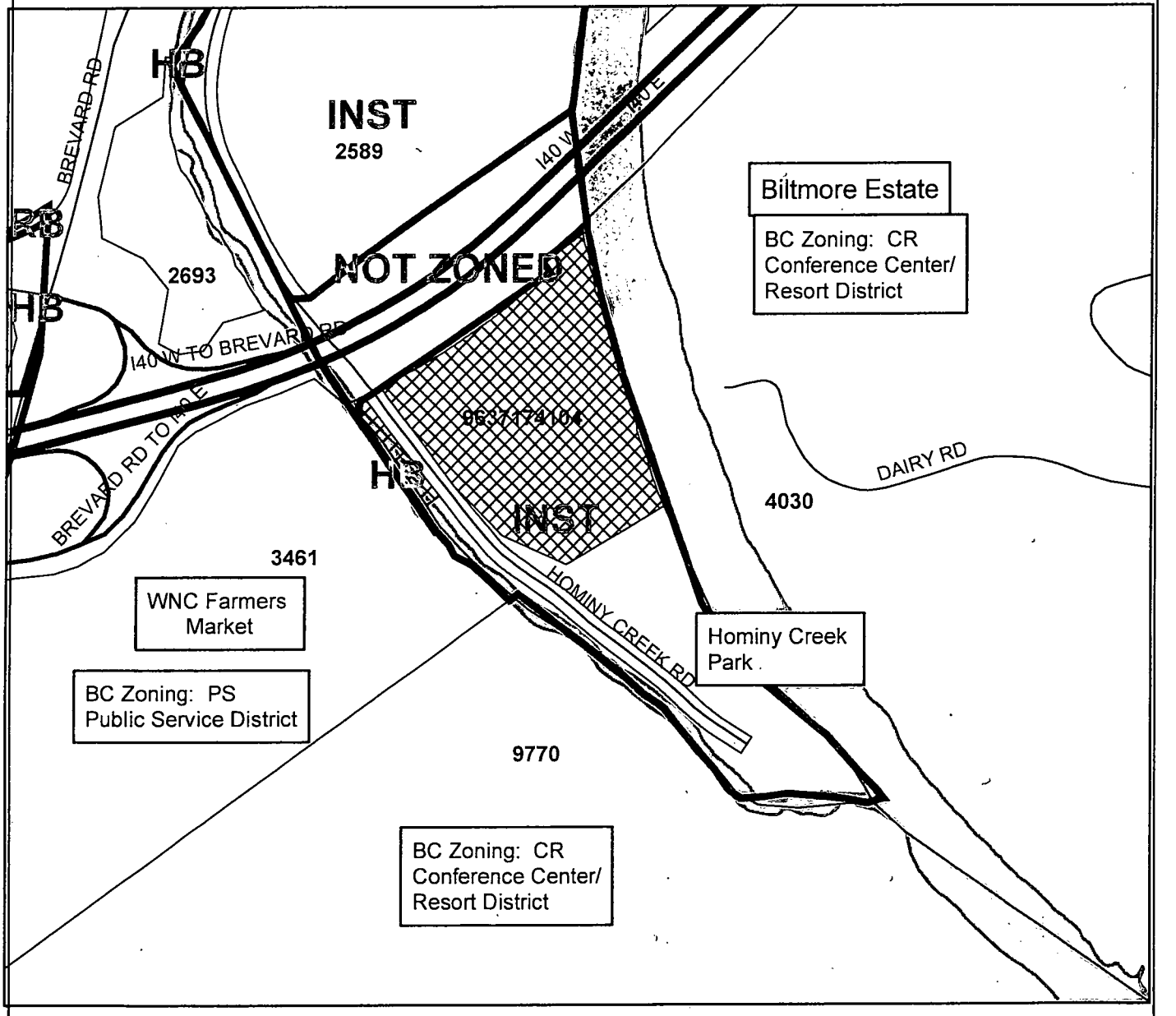
Magdalen Bowlesson
City Clerk

194.

City of Asheville - Exhibit A Map
Conditional Zoning Review
Buncombe Co. Transfer Station - 190 Hominy Creek Rd

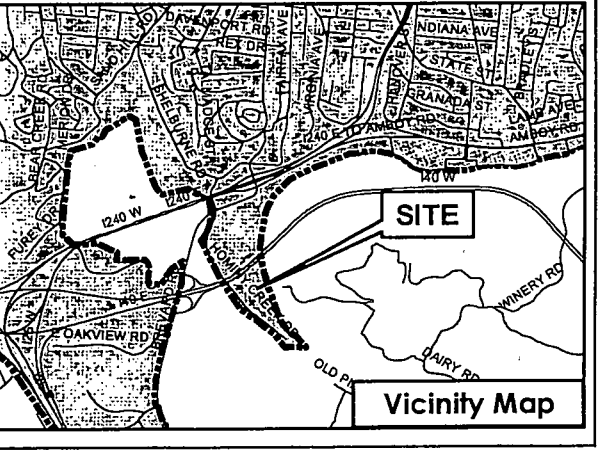
ASHEVILLE

N W E S



Project Name:	Conditional Zoning Review
Project Number:	17-00689PZ
Project Description:	Buncombe Co. Transfer Station Expansion/Upgrade
Petitioner(s):	Buncombe County
Parcel ID Number(s):	9637-17-4104
Location/Address:	190 Hominy Creek Road

Project Site
Parcels
Zoning Districts
Asheville City Limits
Streets
Streams



City of Asheville Planning and Urban Design Department - February 2017

DRAFT

EXHIBIT B-1
CONDITIONS

1. Approval is for conditional zoning to IND-CZ (Industrial Conditional Zone) for the expansion and upgrading of a waste transfer station.

2. The project site is 12.4 acres, a portion of PIN 9637-17-4104, and includes the Buncombe County Transfer Station, but does not include Hominy Creek Park.

3. Plans indicate a new 20,000 sf building, 48 feet in height, with existing buildings to remain on the site.

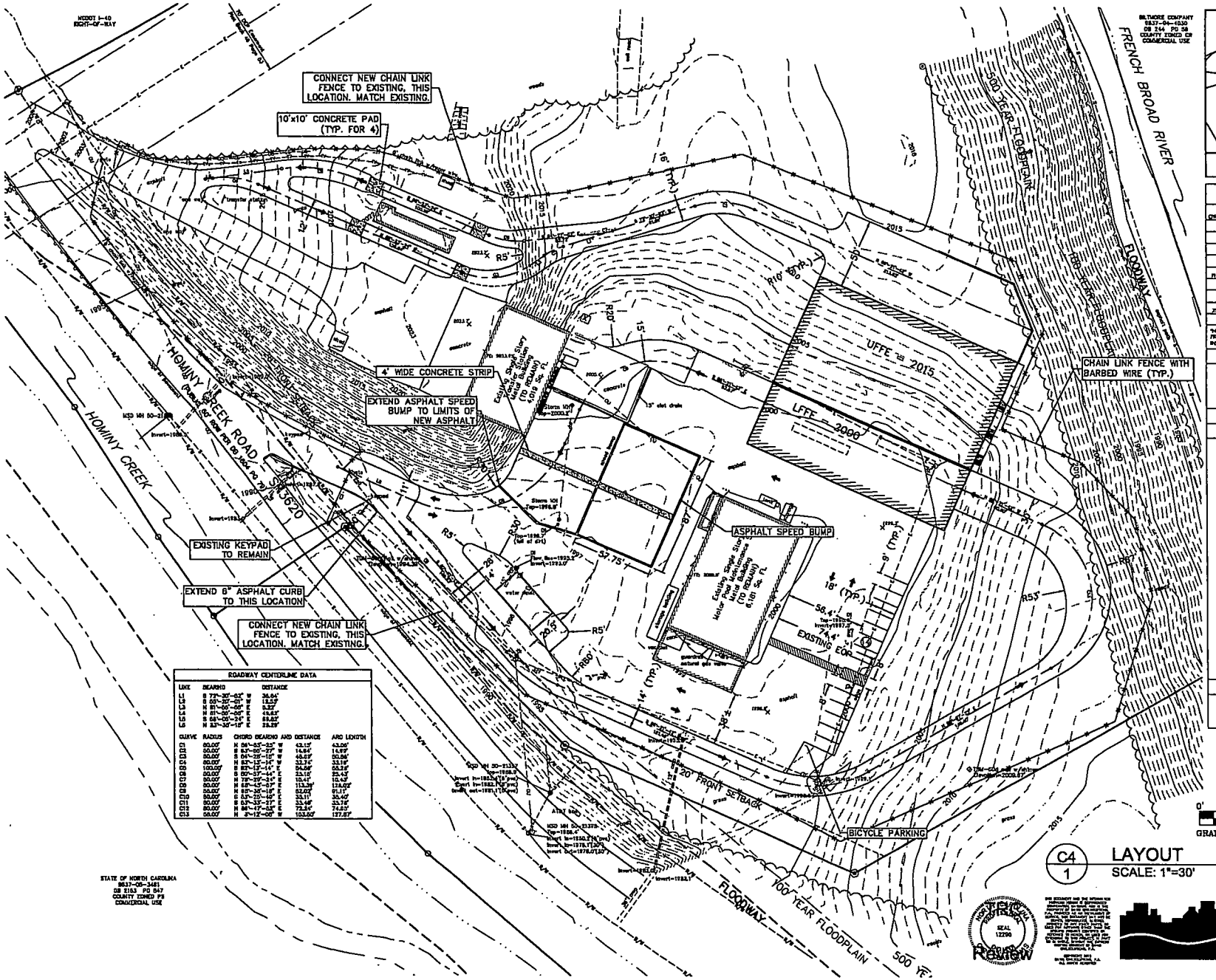
4. The owner will construct a 6 foot sidewalk for the upper portion of the frontage, a pedestrian crossing, and a 10-foot paved multi-use trail on the creek side of the road for the remaining portion of the parcel's frontage. The six foot sidewalk will extend between 218 feet and 320 feet before crossing Hominy Creek Road. City staff will work with Buncombe County to determine the best point of crossing based on pedestrian safety and flood regulations, and will be so indicated on the site plan at that time.

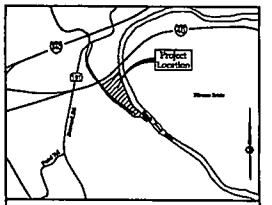
5. Landscaping requirements will be met with the exception of reduced parking lot landscaping: reduced by 54 trees.

6. The owner will install 54 trees along the greenway to help with the screening of the new building. The additional trees will not be on the landfill portion of the property, but will be on County property and not in the City of Asheville easement area.

7. The building design, site design, construction materials, and orientation on site must substantially comply with the site plan attached hereto as Exhibit C and incorporated herein by reference and the final approved site plan that is incorporated into the zoning permit. Any major deviations from these plans will require reconsideration of the project by the reviewing boards.

8. All legally required local, state, and federal permits and approvals must be obtained prior to initiation of construction and any pertinent legal requirements shall be met.





Vicinity Map
NOT TO SCALE

DEVELOPMENT DATA BLOCK

OWNER/DEVELOPER	BUNCOMBE COUNTY GOVERNMENT
CONTACT	JON CLOUGHTON
PHONE	828-250-4850
ADDRESS	46 VALLEY STREET, ASHEVILLE NC 28801
PIN	9637-97-7134
PHYSICAL ADDRESS	180 HOMINY CREEK ROAD ASHEVILLE, NC 28806
PROPERTY SIZE	0.90 AC
ZONING DISTRICT	INST
SETBACKS	20' FRONT, 15' SIDE, 15' REAR

*NOTE
PROPOSED REZONING TO I-HDCE
AND SETBACKS 20' FRONT, NO SIDE OR REAR SETBACK

ARCHITECTURAL INFORMATION

HEIGHT = 45'
FLOOR AREA = 21,921 SQ. FT.
NO. OF STORIES = 1
FOOTPRINT AREA = 21,921 SQ. FT.

SEE ARCHITECTURAL SHEETS FOR MORE DETAILED INFORMATION.

LANDSCAPING REQUIREMENTS — SEE SHEET C2

PARKING SPACE CALCULATIONS

VEHICLE SERVICE STATION AND AUTO REPAIR GARAGE

1 SPACE PER SERVICE BAY, PLUS 1 SPACE PER 3 EMPLOYEES ON SHIFT OF GREATEST EMPLOYMENT, MINIMUM
1 SPACE PER 0.33 SERVICE BAY, PLUS 1 SPACE PER 2 EMPLOYEES ON SHIFT OF GREATEST EMPLOYMENT, MAXIMUM

TOTAL NUMBER OF BAYS = 3
TOTAL NUMBER OF EMPLOYEES = 10

PARKING SPACE REQUIRED

BAYS (MIN) 3 / 1 = 3 SPACES
BAYS (MAX) 3 / 0.33 = 9 SPACES
EMPLOYEES 10 / 2 = 5 SPACES

3 + 5 = 8 (MINIMUM)
9 + 5 = 14 (MAXIMUM)

TOTAL PARKING SPACES PROVIDED

14 PARKING SPACES

HANDICAPPED PARKING SPACES REQUIRED

PER UBC SECTION 1106.1 (2012)
1-25 = 1
1 SPACE PER 8 SPACES SHALL BE VAN ACCESSIBLE

TOTAL HANDICAPPED PARKING SPACES PROVIDED

1 PARKING SPACE (VAN ACCESSIBLE)

BICYCLE PARKING SPACE REQUIRED

5% OF TOTAL PARKING SPACES PROVIDED
0.05 X 14 = 0.7 = 1 SPACE

TOTAL BICYCLE PARKING SPACES PROVIDED

2 BICYCLE PARKING SPACES

SIDEWALK REQUIREMENTS

PROPERTY FRONTAGE ALONG HOMINY CREEK ROAD = 134.66'
TOTAL LENGTH OF SIDEWALK REQUIRED = 134.66'
PROPOSED REDEVELOPMENT FOR SIDEWALK CONSTRUCTION ALONG HOMINY CREEK ROAD

ROADWAY CENTERLINE DATA

LINE	BEARING	DISTANCE
L1	S 73°-30'-05" W	38.04'
L2	S 00°-30'-01" W	18.52'
L3	N 81°-00'-00" E	0.32'
L4	N 81°-00'-00" E	41.62'
L5	S 08°-05'-34" E	59.82'
L6	N 33°-32'-10" E	38.29'

CURVE	RADIUS	CHORD BEARING AND DISTANCE	ARC LENGTH
C1	80.00'	N 84°-57'-32" W	43.10'
C2	80.00'	S 83°-00'-37" W	14.84'
C3	80.00'	S 83°-13'-10" W	50.56'
C4	80.00'	S 83°-13'-14" W	33.18'
C5	100.00'	S 83°-13'-14" E	34.58'
C6	80.00'	S 80°-37'-44" E	23.15'
C7	80.00'	N 78°-29'-31" E	10.42'
C8	80.00'	N 68°-53'-03" E	113.39'
C9	80.00'	S 85°-36'-18" E	92.07'
C10	80.00'	S 57°-03'-18" E	35.47'
C11	80.00'	S 33°-33'-27" E	33.78'
C12	80.00'	N 88°-17'-04" E	72.55'
C13	80.00'	N 4°-12'-00" W	103.50'

STATE OF NORTH CAROLINA
9637-05-3481
DB 2153 PG 547
COUNTY ZONED PB
COMMERCIAL USE

BILTMORE COMPANY
9637-94-1030
DB 244 PG 38
COUNTY ZONED CB
COMMERCIAL USE

C4
1

LAYOUT
SCALE: 1"=30'

Davis CivilSolutions, PA
Site/Infrastructure • Engineering/Planning
136-A Charlotte Highway • Asheville, North Carolina 28803
828.298.3640 FAX • www.davisciviliolutions.com

Review

Buncombe County Planning and Development
46 Valley Street, Asheville, NC

Buncombe County Solid Waste Transfer Facility
Asheville, North Carolina
180 Hominy Creek Road

REVISIONS:

DATE: 01-25-2017

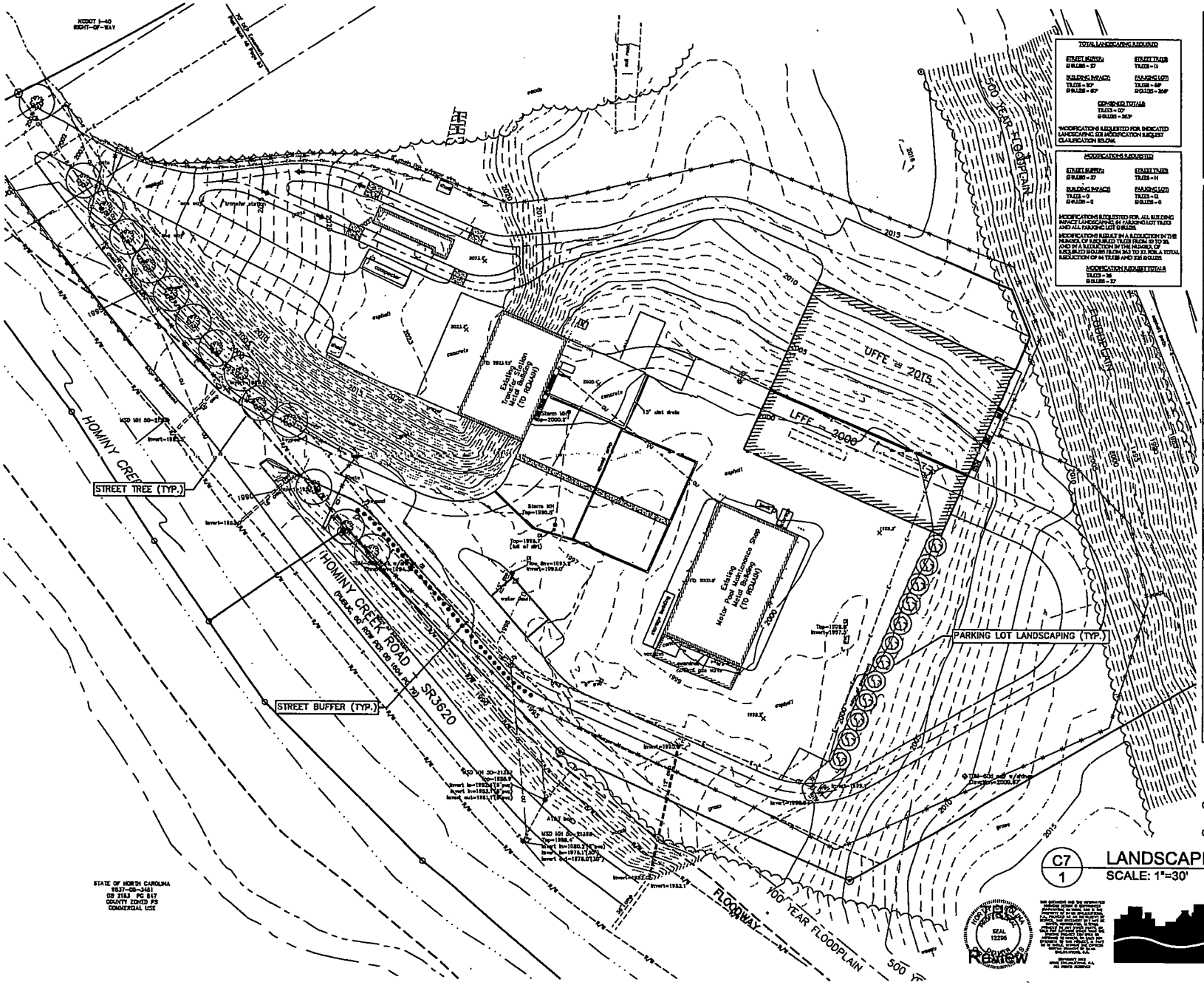
SHEET: C4

Exhibit C

196

192

[redacted] [redacted] [redacted]



TOTAL LANDSCAPING REQUIRED

STREET BUFFER	STREET TREES
8 BULBS = 27	TREES = 15
BUILDING IMPACT	PARKING LOT
TREES = 30*	TREES = 68
8 BULBS = 80*	8 BULBS = 268*

COMBINED TOTALS
TREES = 97*
8 BULBS = 365*

*MODIFICATIONS REQUESTED FOR INDICATED LANDSCAPING. SEE MODIFICATION REQUEST CLARIFICATION BELOW.

MODIFICATIONS REQUESTED

STREET BUFFER	STREET TREES
8 BULBS = 27	TREES = 11
BUILDING IMPACT	PARKING LOT
TREES = 0	TREES = 0
8 BULBS = 0	8 BULBS = 0

MODIFICATIONS REQUESTED FOR ALL BUILDING IMPACT LANDSCAPING, 68 PARKING LOT TREES AND ALL PARKING LOT BULBS.

MODIFICATIONS RESULT IN A REDUCTION IN THE NUMBER OF REQUIRED TREES FROM 30 TO 30, AND IN A REDUCTION IN THE NUMBER OF REQUIRED BULBS FROM 365 TO 27. FOR A TOTAL REDUCTION OF 94 TREES AND 338 BULBS.

MODIFICATION REQUEST TOTALS
TREES = 94
8 BULBS = 27

Vicinity Map
NOT TO SCALE

DEVELOPMENT DATA BLOCK

OWNER/DEVELOPER:	BUNCOMBE COUNTY GOVERNMENT
CONTACT:	JON CRUMPTON
PHONE:	828-250-4820
ADDRESS:	46 VALLEY STREET, ASHEVILLE NC, 28801
PIN:	9637-85-7314
PHYSICAL ADDRESS:	100 HOMINY CREEK ROAD ASHEVILLE, NC 28806
PROPERTY SIZE:	21.40 AC.
ZONING DISTRICT:	INST
SETBACKS:	50' FRONT, 10' SIDES, 10' REAR

*NOTE:
PROPOSED REZONING TO INDICE.
NO SETBACKS 20' FRONT, NO SIDE OR REAR SETBACKS

OPEN SPACE:	NONE REQUIRED IN IND

LANDSCAPING REQUIREMENTS

STREET BUFFER
1 EVERGREEN (8 BULB) *
OR
1 DECIDUOUS (8 BULB) *
PER 50 LF OF BUFFER
* MUST BE A MIN. 7' IN HEIGHT AT MATURITY

HOMINY CREEK ROAD
LINEAR FEET = 1,365
1365 / 50 = 26.3 = 27

STREET BUFFER TOTALS
27 EVERGREEN OR DECIDUOUS 8 BULBS

STREET TREES
OVERHEAD UTILITIES PRESENT:
1 SMALL MATURING
PER 30 LF OF PROPERTY LINE

HOMINY CREEK ROAD
LINEAR FEET = 1,365
1365 / 30 = 45 = 15 TREES

STREET TREE TOTALS
15 TREES

PARKING LOT LANDSCAPING
1 DECIDUOUS TREE
4 BULBS
PER 1,500 SQ. FT. VUA

TOTAL VUA =
98,713.73 SQ. FT.
98,713.73 / 1,500 = 65.47

65.47 = 66 DECIDUOUS TREES
66.47 X 4 = 265.88 = 266 8 BULBS

PARKING LOT LANDSCAPING TOTALS
TREES = 68
8 BULBS = 266
* 50 TREES MUST BE LARGE MATURING

BUILDING IMPACT LANDSCAPING
1 TREE
8 BULBS
PER 1,000 SQ. FT. BUILDING FOOTPRINT

TOTAL BUILDING FOOTPRINT SQUARE FOOTAGE =
30,000.34 SQ. FT.
30,000.34 / 1,000 = 30.00

30 TREES
30 X 8 = 60 8 BULBS

BUILDING IMPACT LANDSCAPING TOTALS
TREES = 30
8 BULBS = 60

0' 30' 60' 90'
GRAPHIC SCALE 1"=30'

C7
1

LANDSCAPING
SCALE: 1"=30'

Review

Davis CivilSolutions, PA
Site/Infrastructure • Engineering/Planning
1544 Charlotte Highway - Asheville, North Carolina 28803
828.209.2468 FEL • www.davischsolutions.com

Buncombe County Planning and Development
46 Valley Street, Asheville, NC

Buncombe County Solid Waste Transfer Facility
Asheville, North Carolina
100 Hominy Creek Road

REVISIONS:

DATE: 01-25-2017

SHEET: C7

Exhibit C
Z06

197

198

ORDINANCE NO. 4582

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment forms attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 23rd day of May 2017.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

PURPOSE: To set up the project budget for the Swannanoa River Greenway Corridor Study.

Magdalen Burleson
City Clerk

CITY OF ASHEVILLE

BUDGET AMENDMENT

FISCAL YEAR	EFFECTIVE DATE
2016/17	5/23/2017

Amendment to	____ Operating X Capital or Grant (Special Revenue)
Purpose	To conduct a Corridor Study on the Swannanoa River Greenway
Requesting Department	Transportation

				Beginning Budget	New Budget	Increase or Decrease By
Fund	Grant Fund					
Revenue	Restricted Intergv State Grants					
Acct #	22002100	436000	T1707	0.00	36,000.00	36,000.00
	Org	Obj	Project			
Fund	Grant Fund					
Revenue	Private Donations					
Acct #	22002100	483300	T1707	0.00	50,803.00	50,803.00
	Org	Obj	Project			
Fund	Grant Fund					
Expend.	Contracted Services					
Acct #	22002100	521001	T1707	0.00	60,000.00	60,000.00
	Org	Obj	Project			
Fund	Grant Fund					
Expend.	Supplies - Other					
Acct #	22002100	524001	T1707	0.00	26,803.00	26,803.00
	Org	Obj	Project			

BALANCE 0.00

200

ORDINANCE NO. 4583

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made a part of this ordinance;

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 23rd day of May, 2017.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

PURPOSE: This Budget Amendment increases the total project budget for the 14 Riverside Drive Capital Project for the contract with Mountainside Environmental Services, Inc.

Magdalen Burleson
City Clerk

CITY OF ASHEVILLE

BUDGET AMENDMENT

2016/17	5/23/2017
FISCAL YEAR	EFFECTIVE DATE

Amendment to	____ Operating X Capital or Grant (Special Revenue)
Purpose	Mountain Environmental Services, Inc Contract Change Order and 14 Riverside Drive
Requesting Department	Capital Projects

				Beginning Budget	New Budget	Increase or (Decrease) By
Fund	General Capital Projects Fund					
Revenue	Interim Credit Facility					
Acct #	41000131	494171	Q1621	438,620.00	471,757.00	33,137.00
	Org	Obj	Project			
Fund	General Capital Projects Fund					
Expend.	Contracted Services					
Acct #	41000131	521001	Q1621	33,220.00	66,357.00	33,137.00
	Org	Obj	Project			

BALANCE 0.00

202

ORDINANCE NO. 4584

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 23rd day of May, 2017.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

PURPOSE: Technical budget amendment for McCormick Field structural repair construction

Magdalen Burleson
City Clerk

CITY OF ASHEVILLE

BUDGET AMENDMENT

FISCAL YEAR	EFFECTIVE DATE
2016/17	5/23/2017

Amendment to	____ Operating X Capital or Grant (Special Revenue)
Purpose	Technical Budget Amendment for Construction of Structural Repairs at McCormick Field
Requesting Department	Parks & Recreation

				Beginning Budget	New Budget	Increase or (Decrease) By
Fund	General Fund					
Expend	Materials					
Acct #	11008003	524101		91,272.00	71,859.00	(19,413.00)
	Org	Obj	Project			
Fund	General Fund					
Expend.	Transfer to General Capital Projects Fund					
Acct #	11098003	800410		232,349.00	251,762.00	19,413.00
	Org	Obj	Project			
Fund	General Capital Projects Fund					
Revenue	Oper Transfer from General Fund					
Acct #	41098402	498100	B1604	0.00	19,413.00	19,413.00
	Org	Obj	Project			
Fund	General Capital Projects Fund					
Expend.	Construction					
Acct #	41008402	616102	B1604	64,247.31	83,660.31	19,413.00
	Org	Obj	Project			

BALANCE 0.00

204

ORDINANCE NO. 4585

ORDINANCE AMENDING ZONING FOR PROPERTY LOCATED ON BROADWAY STREET

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statues, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this proposed amendment is consistent with the City's 2025 Comprehensive Plan, Smart Growth policies, and other official plans of the City, and is determined to be reasonable and in the public interest for the following reason:

a. Supports smart growth through compatible infill development that takes advantage of existing infrastructure, and
b. Resolves an existing split-zoned condition.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

The zoning classification of that certain real properties described in Exhibit A and identified on Buncombe County tax maps as PIN 9649-23-3628, and, recorded in Deed Book 3962, Page 866 and Deed Book 4595, Pages 1472-1475; and currently owned by Marketplace Developments LLC from Residential Single Family, High Density (RS8) to Neighborhood Corridor District (NCD). A copy of the official zoning map showing said lot is attached hereto as Exhibit "A" and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it

would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed, to the extent of such conflict.

Section 5. The ordinances shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 6. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 23rd day of May, 2017.

Magdalen Burleson
City Clerk

Mayor

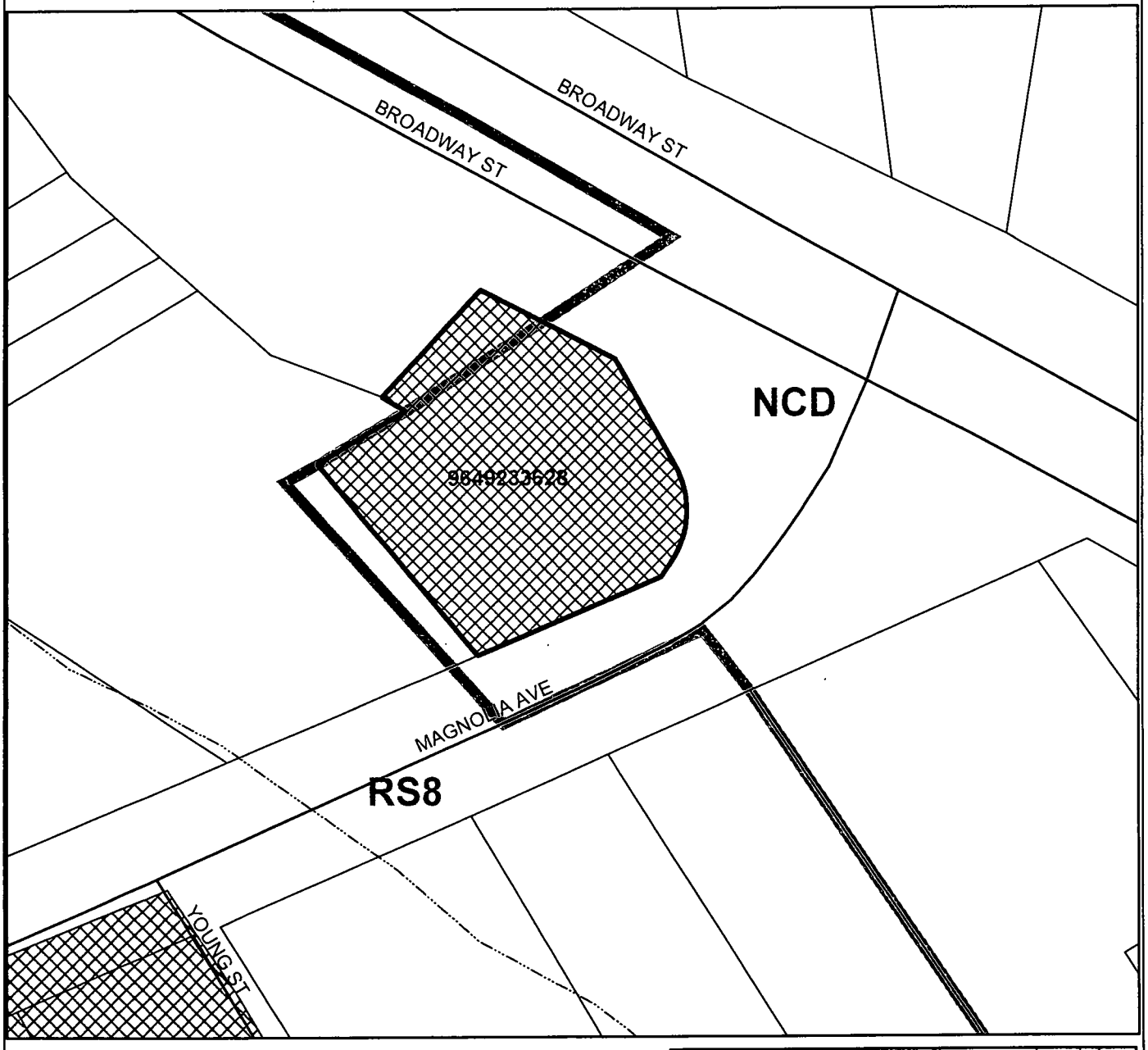
Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

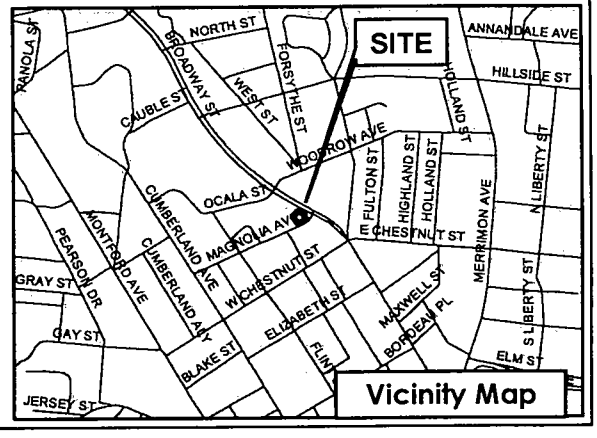
.206

City of Asheville - Exhibit A Map
Rezoning - Broadway St. (Portion of)



Project Name: Broadway St. Rezoning
Project Number: 17 - 03103 PZ
Project Description: Rezoning
Petitioner(s): Hutch Kerns (agent)
Parcel ID Number(s): 9649-23-3628

Location/Address: 99999 Broadway St.



Project Site
Parcels
Zoning Districts
Asheville City Limits
Streets
Streams

City of Asheville Planning and Development Department - March 2016

ORDINANCE NO. 4586

ORDINANCE AMENDING ORDINANCE NO. 4379, AN ORDINANCE ESTABLISHING CONDITIONAL ZONING FOR PROPERTY LOCATED AT 99999 FAIRVIEW ROAD

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statues, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this proposed amendment is consistent with the City's 2025 Comprehensive Plan, Smart Growth policies, and other official plans of the City and is determined to be to be reasonable and in the public interest for the following reasons:

a) City-adopted plans and policies support mixed-use development, especially providing residential uses in a walkable location proximate to transit;
b) The applicant has offered to place a transit shelter on the site;
c) The project provides an active commercial streetscape along Fairview Road with pedestrian access to spaces;
d) Multi-family residential use would provide a good transition between single-family and commercial uses on either site;
e) The project will dedicate 7% of the units at an affordable rent for a period of ten years; and

WHEREAS, Ordinance No. 4379 was adopted by the Asheville City Council on January 27, 2015; however, there was an error in the actual ordinance; and

WHEREAS, this amendment will reflect a condition that was agreed upon by the applicant and the City Council to dedicate 7% of the units at an affordable rent for a period of ten years;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

The zoning classification of that certain real property described in Exhibit A and identified on Buncombe County tax maps as PIN 9648.80-8406 and 9648.89-8924, recorded in Deed Book 4557, Page 1313 and currently owned by Dabhill, LLC from Urban Village to Urban Place - Conditional Zoning District (UP CZ). A copy of the official zoning map showing said lots is attached hereto as Exhibit "A" and made a part hereof. Said rezoning is subject to the conditions set out in Exhibit "B.1", and substantially complies with the site plans shown in Exhibit "C", both attached hereto and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. The ordinances shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 5. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 13th day of June, 2017.

Magdalen Bouleson
City Clerk

Esther Manheimer
Mayor

Approved as to form:

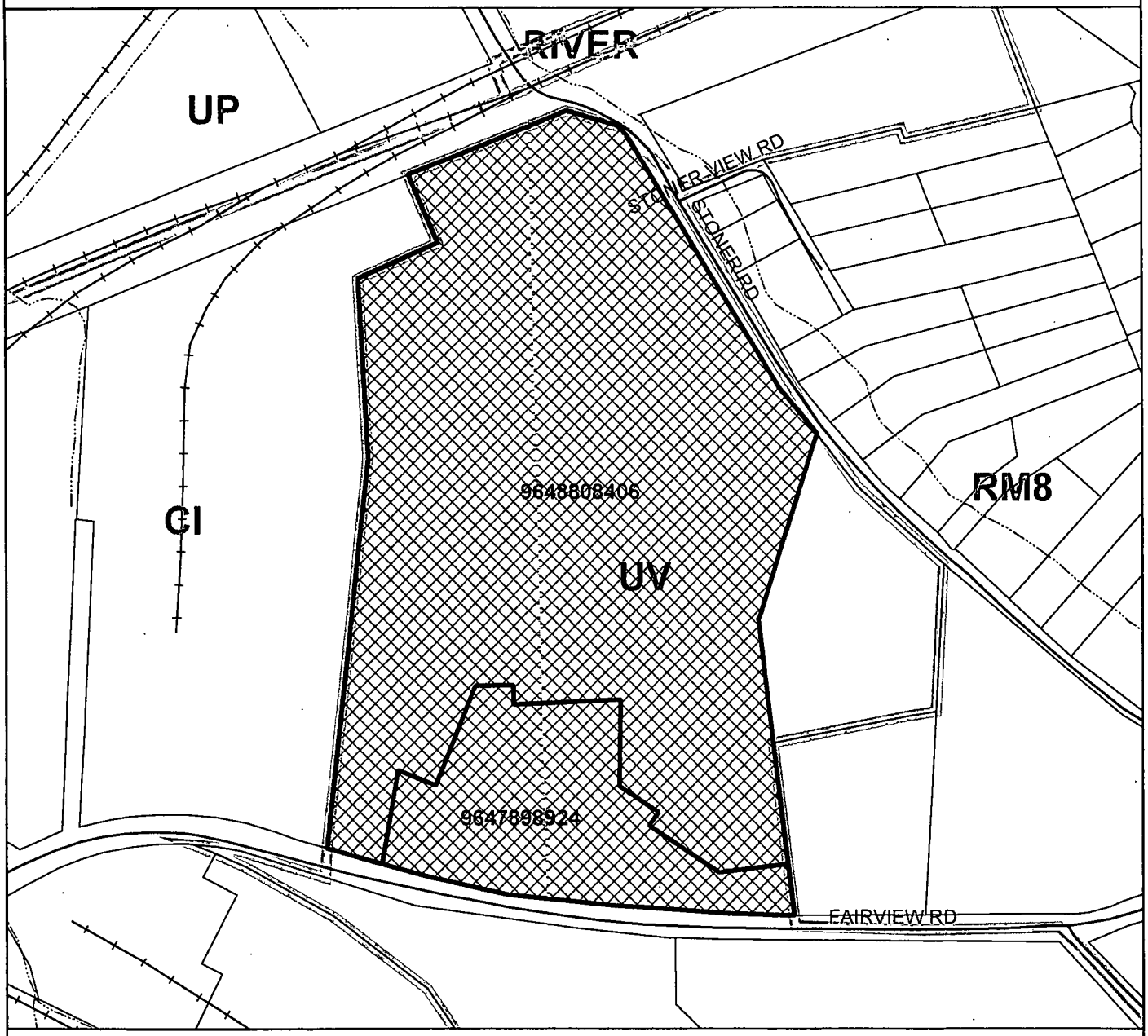
City Attorney

Magdalen Bouleson
City Clerk

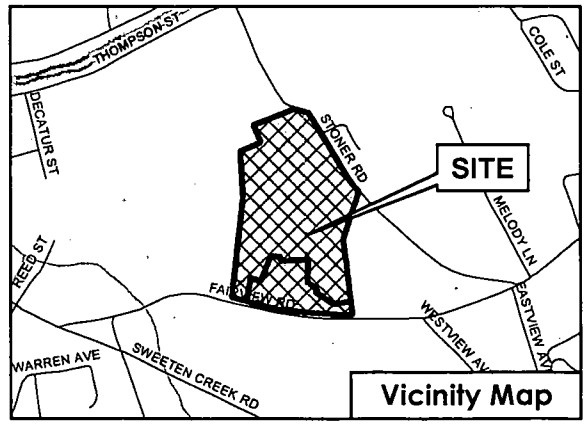
City of Asheville - Exhibit A Map
Conditional Zoning - Biltmore Apartments

ASHEVILLE

N W E S



Project Name:	Biltmore Apartments
Project Number:	14-11869PZ
Project Description:	Mixed use developmen-
Petitioner(s):	Will Buie
Parcel ID Number(s):	9648-80-8406
	9647-89-8924
Location/Address:	Fairview Road



Project Site
Parcels
Zoning Districts
Asheville City Limits
Streets
Streams

City of Asheville Planning and Development Department - September 2014

EXHIBIT B.1
CONDITIONS

1. Approval is for a mixed-use development with 309 residential units contained in four buildings with 5 live-work units and at least 9,742 square feet of retail space. Maximum building height is 73 feet.
2. The project will be constructed in substantial conformity with the attached site plan and elevations and subject to all applicable state, federal and local requirements.
3. AFFORDABLE UNITS – The applicant will dedicate seven percent (7%) of the units at the City's affordable rent for a period of ten years. The rent limits are according to income standards determined by the City of Asheville Community Development Department.
4. There are 578 parking spaces with a minimum of 22 accessible spaces and 30 bicycle parking spaces.
5. Council approves the condition to allow parking to be located between the face or edge of a structure and the street, along Stoner Road.
6. Signage shall be separately permitted and shall meet the standards of the City of Asheville Sign Ordinance (Article XIII of Chapter 7 of the Code of Ordinances).
7. All site lighting must comply with the City's Lighting Standards (Section 7-11-10 of the Code of Ordinances). Proposed lighting plans must be submitted at Final TRC.
8. All landscaping must meet the minimum size requirements set forth in Section 7-11-3(f)(3) of the UDO. All existing vegetation that is to be preserved must be clearly indicated and dimensioned on the site, landscape and grading plans.
9. The project includes new sidewalks with a minimum width of 10 feet along Fairview Road and new sidewalk along Stoner Road for the length of the property.
10. The applicant will provide at least 30,537 square feet of open space in the urban form of hardscaped plazas.
11. Retaining walls will comply with aesthetic treatments or landscaping as required in Section 7-10-5 of the UDO.
12. A TIS was required due to the anticipated volume of traffic and has been reviewed by the Traffic Engineer. The project is not expected to create a hazard or undue congestion based on the proposed plans, and the recommendations contained by the Traffic Impact Study. Two of the recommendations that will be incorporated into the design are a dedicated left turn-in lane heading eastbound and a dedicated right turn-in lane heading westbound on Fairview Road.
13. The property owner and/or applicant shall pay to the City of Asheville $200,000 on or before the date the first building permit is issued for the purpose of promoting connectivity from the property to Sweeten Creek Road and Biltmore Village and/or for traffic calming measures or pedestrian enhancements on or around Fairview Road and Stoner Road.
14. The project shall comply with all conditions outlined in the TRC staff report as indicated below:
    a. Clarify if the street trees proposed to be in a planting strip or urban form, i.e. tree grates (7-11-3).
    b. Where the property line buffer and street tree requirements overlap on Stoner Road, they do not need to be duplicated (7-11-3).
    c. Greater detail is needed regarding compliance with retaining wall standards (7-10-5). Please provide specifics on the type of wall proposed (spec sheets). Also, please provide a more detailed landscape plan in sections due to the extent of the walls proposed. Developer must secure building permits for all retaining walls concurrent with final grading review. Retaining systems shall meet the requirements of Section 1610. Testing

and inspection reports shall comply with Section 1704.1.2

d. Plan revisions must reflect the recommendations contained in the Traffic Impact Study.
e. Depict the sight visibility triangles *(10 feet by 50 feet)* as required by the UDO.
f. Indicate the widths of driveway access openings on plans.
g. A bicycle rack(s) is/are required. The minimum number of bicycle parking spaces required shall be equal to 5% of the total number of automobile parking spaces.
h. For bus shelter, must provide 7 x 16 foot concrete pad at back of sidewalk west of entrance on Fairview Rd. Please show on plans with dimensions detailed with City of Asheville easement for shelter pad area.
i. Plans must comply with accessibility requirements for number of parking spaces.
j. Plan indicates an accessible route has been provided from some entries and exits. ALL building exits shall be located on an accessible route to the public way.
k. Bike racks shall be located to prevent overlap of accessible route when utilized.
l. Provide percent of grade on all privately maintained sidewalks (5% max) or provide fully detailed ramps. Sidewalks that are maintained by the city are allowed to follow the grade of the adjacent roadway.
m. Vehicular Barrier required where retaining walls are adjacent to parking. Comply with structural requirements defined in NCBC Section 1607.7.3 Vehicle barriers.
n. All retaining walls shall be protected with guardrails at locations where the change of level is 30" or more. The guardrail shall be 42" minimum in height and prevent the passage of a 21" sphere unless adjacent to a walking surface. Where adjacent to walking surfaces the guardrail shall comply with Section 1013 of the NCBC.
o. A Letter of Commitment for water availability has been issued for the project. Water service shall be provided per the conditions of the Letter of Commitment. A separate plan review will be required per the terms outlined in the issued Letter of Commitment.
p. Obtain encroachment agreement to tie into the City of Asheville Stormwater system
q. Must install stormwater junction box on right-of-way line.
r. Separate grading and stormwater permit applications are required and shall be submitted concurrent or prior to submittal of TRC final plans. Detailed plans and stormwater calculations will be required with the permit applications.
s. The project is not exempt from certain provisions of post-construction stormwater quality and quantity control regulations because the ultimate development or redevelopment will cumulatively result in a disturbed area that exceeds one acre and an impervious surface area on completion of development that exceeds 50 percent of the total acreage of the development site. Quality and quantity stormwater management will be required in accordance with City of Asheville Unified Development Ordinance Section 7-12-2. [Ref.: City of Asheville Code of Ordinances, Part II, Section 7-12-2 (a) (7) b]
t. Development of the individual apartment buildings shall each be accompanied by a grading permit application and a Grading Permit Waiver is needed. This method will facilitate a Temporary Certificate of Compliance for the entire site and Temporary Certificates of Occupancy for each of the apartment buildings to be occupied individually. The entire site and all of the apartment buildings will receive final Certificates of Compliance and Occupancy, respectively, at the conclusion of the project.
u. Driveway Permits and/or Encroachment Agreements will be required to conduct work within the City of Asheville road rights-of-way along Fairview Road.
v. An Encroachment Agreement will be required to conduct work within the Norfolk Southern Railroad right-of-way.
w. Certificates of Occupancy will not be released until MSD has approved the construction of the sewer extension and completed final document closeout.

15. The project will undergo final review by the TRC prior to issuance of any permits and compliance

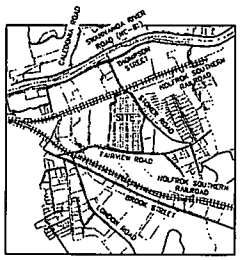
with the items listed above will be required at that time.

16. A planning inspection is required prior to obtaining a certificate of occupancy. This inspection should be scheduled through the Development Services inspection line.

WGLA Project Number: 14135
Revisions:

10/01/14 COA COMMENTS
11/03/14 REVISED BUILDINGS 100 & 200

FLOURNOY – BILTMORE APARTMENTS
TRC SUBMITTAL
COVER SHEET



LOCATION MAP
SCALE: 1" = 1000'

DEVELOPMENT DATA BLOCK

NAME OF PROJECT:	FLOURNOY – BILTMORE APARTMENTS
PROJECT ADDRESS:	FAIRVIEW RD ASHEVILLE, NC
PROPERTY OWNER:	DABHILL, LLC P.O. BOX 1870 CHARLESTON, SC 29402 (307) 413-8813
ENGINEER:	WILLIAM B. BURE, P.E. WGLA ENGINEERING, PLLC 214 N. KING STREET HENDERSONVILLE, NC 28792 (828) 687-7177
ARCHITECT:	DANNY FERNANDEZ, AIA NILES BOLTON ASSOCIATES 3060 PEACHTREE RD NW SUITE 600 ATLANTA, GA 30305 (404) 365-7600
LANDSCAPE ARCHITECT:	PAUL LASETER, PLA, LEED AP NILES BOLTON ASSOCIATES 3060 PEACHTREE RD NW SUITE 600 (404) 365-7600
DEVELOPER:	FLOURNOY DEVELOPMENT CO. 900 BROOKSTONE CENTRE PKWY P.O. BOX 6366 COLUMBUS, GA 31917-6366 (706) 243-9403
DATE OF APPLICATION: TRC SUBMITTAL/RE-SUBMITTAL	AUGUST 27, 2014

REVISION BLOCK:

PLANNING & ZONING SUBMITTAL	OCTOBER 2, 2014
PLANNING & ZONING RE-SUBMITTAL	NOVEMBER 10, 2014

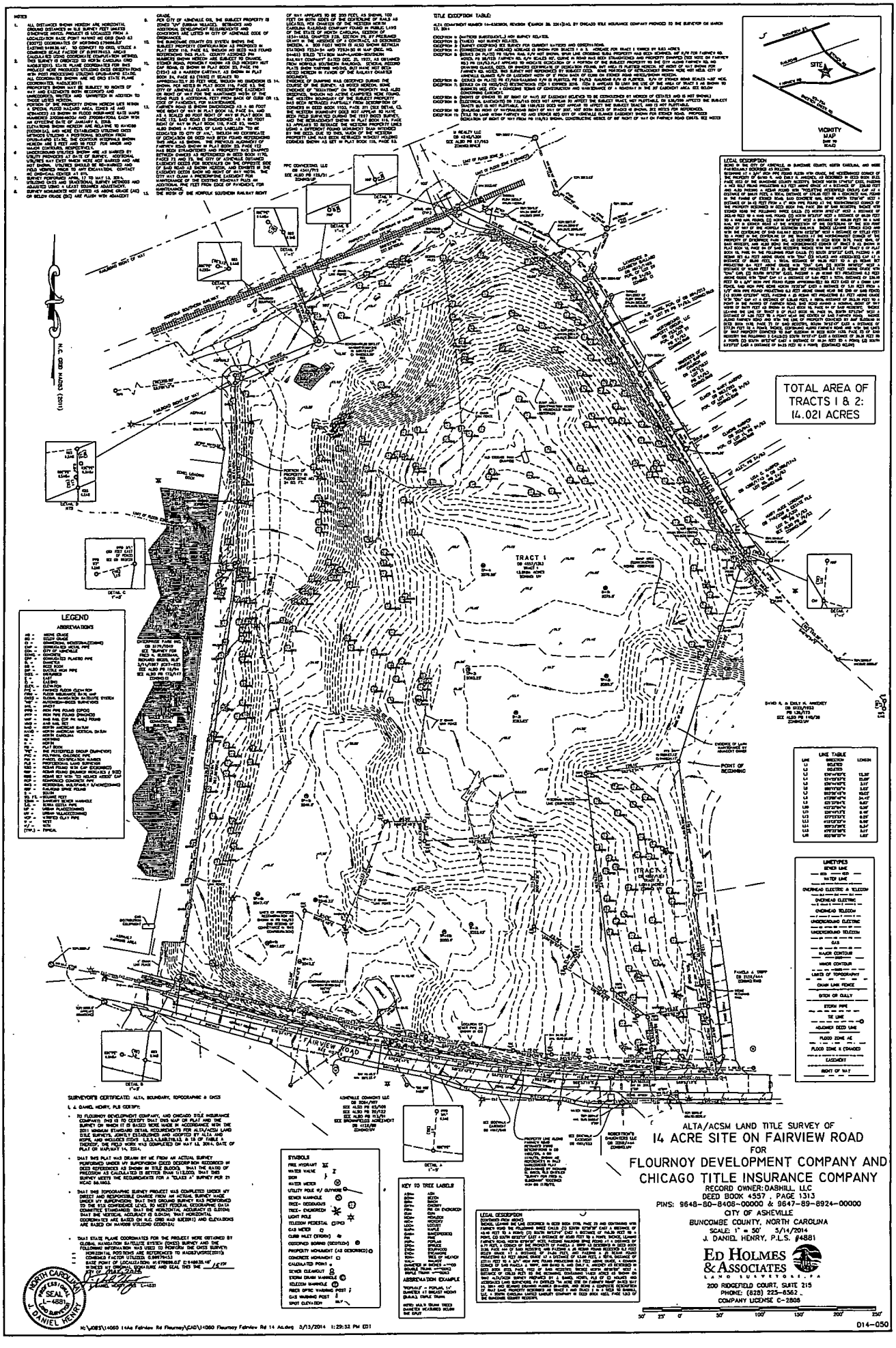
CITY OF ASHEVILLE
BUNCOMBE COUNTY, NORTH CAROLINA

INDEX

SHEET NO.	DESCRIPTION
	ALTA/ACSM LAND TITLE SURVEY
L0.01	CONCEPTUAL LANDSCAPING PLANS
C-100	EXISTING CONDITIONS & DEMOLITION PLAN
NOT REQUIRED	MASTER PLAN
C-200	CONCEPTUAL SITE LAYOUT, MATERIALS & ZONING COMPLIANCE PLANS
A3.11 – A3.14	BUILDING ELEVATIONS
NOT REQUIRED	CONCEPTUAL BUILDING ELEVATION PLAN
C-300	CONCEPTUAL GRADING & EROSION CONTROL PLAN
NOT REQUIRED	STEEP SLOPE & RIDGETOP DEVELOPMENT COMPLIANCE PLAN
C-400	STORM WATER PLAN
C-500	WATER SYSTEM LAYOUT
C-600	SANITARY SEWER PLAN

WGLA Engineering, PLLC
CONSULTING ENGINEERS & LAND PLANNERS
NC License No: P-1342
214 N. King Street
Hendersonville, North Carolina 28792
(828) 687-7177
wgla.com

Attachment to B-1


TOTAL AREA OF TRACTS 1 & 2: 14.021 ACRES
TRACT 1
TRACT 2
FAIRVIEW ROAD
POINT OF BEGINNING
LEGEND
ABBREVIATIONS
SYMBOLS
KEY TO TREE LABELS
LINE TABLE
LINETYPES
VICINITY MAP
SITE
LOCAL DESCRIPTION
SURVEYOR'S CERTIFICATE: ALTA, BOUNDARY, TOPOGRAPHIC & CMCS
ALTA/ACSM LAND TITLE SURVEY OF
14 ACRE SITE ON FAIRVIEW ROAD
FOR
FLOURNOY DEVELOPMENT COMPANY AND
CHICAGO TITLE INSURANCE COMPANY
RECORD OWNER: DASHILL, LLC
DEED BOOK 4557 , PAGE 1313
PINS: 9648-80-8408-00000 & 9647-89-8924-00000
CITY OF ASHEVILLE
BUNCOMBE COUNTY, NORTH CAROLINA
SCALE: 1" = 50' 5/14/2014
J. DANIEL HENRY, P.L.S. #4881
ED HOLMES & ASSOCIATES
LAND SURVEYORS, P.A.
200 RIDGEFIELD COURT, SUITE 215
PHONE: (828) 225-6562
COMPANY LICENSE C-2808
D14-050

DEVELOPMENT DATA:

PROJECT INFORMATION:
FLOURNOY - BILTMORE APARTMENTS
FAIRVIEW ROAD
ASHEVILLE, NC

PROPERTY OWNER:
DABHILL LLC
P.O. BOX 1870
CHARLESTON, SC 29402
(307) 413-8813

CONTACT PERSON:
RYAN M. FOSTER
FLOURNOY DEVELOPMENT CO.
900 BROOKSTONE CENTRE PKWY.
P.O. BOX 6566
COLUMBUS, GA 31917-6566
(706) 243-9403

PIN #:
9848-80-8406
9847-89-8924

TOTAL ACREAGE:
APPROX. 14.02 ACRES

ZONING:
EXISTING- (UV) URBAN VILLAGE
PROPOSED- (UP) URBAN PLACE (COA)
(CONDITIONAL ZONING)

PLANTING LEGEND

ST = STREET TREE
VUA = VEHICULAR USE AREA
SYB = STREET YARD BUFFER
O.C.= ON CENTER
LF = LINEAR FEET
3G = 3 GALLON

LANDSCAPE CALCULATIONS:

A.) VUA- PERIMETER AND INTERIOR PLANTINGS:
ONE DECIDUOUS TREE AND FOUR SHRUBS REQUIRED FOR EVERY 1,500 SQ. FT. OF VUA. 75 PERCENT OF REQUIRED DECIDUOUS PARKING LOT TREES MUST BE LARGE-MATURING TREES.
-212,400 SQ. FT. OF VUA / 1,500 = 141.6
-NUMBER OF TREES REQUIRED = 142 TREES (100 LARGE-MATURING)
-NUMBER OF TREES PROVIDED = 142 TREES (100 LARGE & 42 SMALL)
-NUMBER OF SHRUBS REQUIRED = 568 SHRUBS
-NUMBER OF SHRUBS PROVIDED = 568 SHRUBS

B.) STREET TREES
ONE LARGE DECIDUOUS TREE PER 40 LF OF PROPERTY LINE ABUTTING A STREET
FAIRVIEW ROAD: 698 LF OF STREET FRONTAGE = 18 STREET TREES
-TOTAL OF LARGE DECIDUOUS TREE REQUIRED = 18
-TOTAL OF LARGE DECIDUOUS TREE PROVIDED = 18
STONER ROAD: 591 LF OF STREET FRONTAGE = 15 STREET TREES
-TOTAL OF LARGE DECIDUOUS TREE REQUIRED = 15
-TOTAL OF LARGE DECIDUOUS TREE PROVIDED = 24

C.) STREET YARD BUFFER
ONE EVERGREEN SHRUB OR DECIDUOUS SHRUB PLANTED FOR EVERY FIVE LINEAR FEET OF VUA WITHIN 50' OF A STREET. SPECIES PLANTED MUST REACH A MIN. HEIGHT OF THREE FEET.
82 LF / 5 = 16.4
-NUMBER OF SHRUBS REQUIRED = 17
-NUMBER OF SHRUBS PROVIDED = >17

D.) BUFFER YARD TYPE "A"
FOUR EVERGREEN TREES, THREE LARGE DECIDUOUS TREES, THREE SMALL DECIDUOUS TREES, TEN LARGE SHRUBS, AND TEN SMALL SHRUBS PER 100 LF OF PROPERTY LINE ABUTTING RM ZONED AREAS.
-AREA 1: 342 LF OF PROPERTY LINE ABUTTING RM ZONED AREA =
14 EVERGREEN TREES
11 LARGE DECIDUOUS TREES
11 SMALL DECIDUOUS TREES
35 LARGE SHRUBS
35 SMALL SHRUBS
-AREA 2: 213 LF OF PROPERTY LINE ABUTTING RM ZONED AREA =
9 EVERGREEN TREES
7 LARGE DECIDUOUS TREES
7 SMALL DECIDUOUS TREES
22 LARGE SHRUBS
22 SMALL SHRUBS
*EXACT PLANTING AMOUNTS PROVIDED FOR AREAS ONE AND TWO BASED ON THE NEEDS OF EACH.

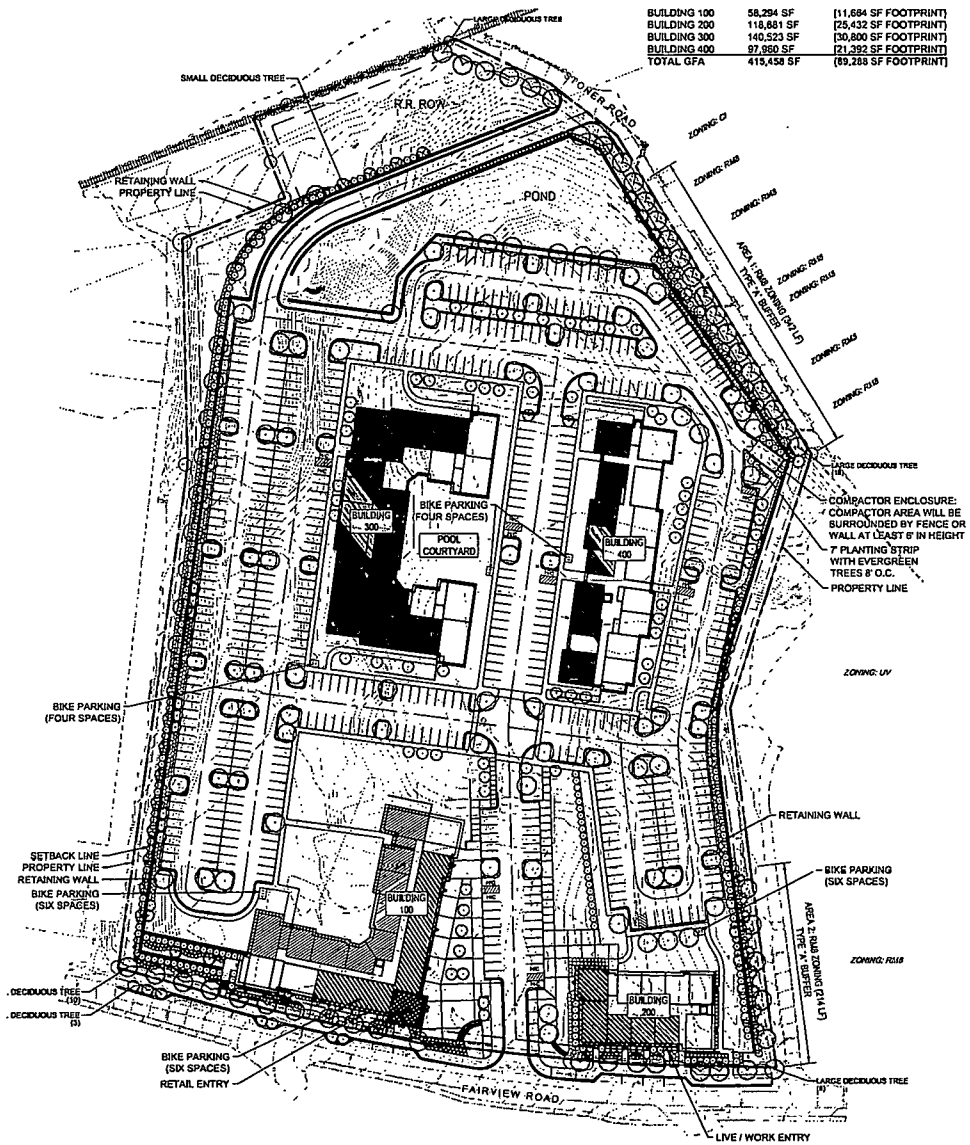
E.) BUILDING IMPACT LANDSCAPING
ONE TREE AND TWO SHRUBS ARE REQUIRED FOR EVERY 1,000 SQ. FT. OF BUILDING FOOTPRINT. TREES & SHRUBS MAY BE PLANTED ANYWHERE ON SITE
89,288 TOTAL BUILDING FOOTPRINT SQ. FT. / 1,000 = 89.288
-NUMBER OF TREES REQUIRED = 89
-NUMBER OF TREES PROVIDED = 89
-NUMBER OF SHRUBS REQUIRED = 179
-NUMBER OF SHRUBS PROVIDED = 179

E.) RETAINING WALL PLANTING REQUIREMENTS
THE AMOUNT OF PLANTING MATERIAL WILL DEPEND ON THE WALL HEIGHT. SEE CHART BELOW FOR RETAINING WALL HEIGHTS AND WIDTH OF FOREGROUND PLANTING STRIPS.

->6-10 FEET (497 LF)	REQUIRED: 5- FOOT WIDE PLANTING STRIP AT WALL BASE WITH 3G SHRUB PLANTED FIVE FEET O.C. PROVIDED: 100 SHRUBS (497 LF / 5 FT O.C.)
->10-20 FEET (723 LF)	REQUIRED: 5- FOOT WIDE PLANTING STRIP AT WALL BASE WITH 3G SHRUB PLANTED FIVE FEET O.C. PLUS ONE SMALL MATURING TREE FOR EVERY 30 LF. PROVIDED: 145 SHRUBS (723 LF / 5 FT O.C.); 25 SMALL TREES (723 LF / 30 FT O.C.)
->20-30 FEET (763 LF)	REQUIRED: 6- FOOT WIDE PLANTING STRIP AT WALL BASE WITH 3G SHRUB PLANTED FIVE FEET O.C. PLUS ONE SMALL MATURING TREE FOR EVERY 30 LF. PROVIDED: 153 SHRUBS (763 LF / 5 FT O.C.); 26 SMALL TREES (763 LF / 30 FT O.C.)
->30 FEET (574 LF)	REQUIRED: 10- FOOT WIDE PLANTING STRIP AT WALL BASE WITH 3G SHRUB PLANTED FIVE FEET O.C. PLUS ONE LARGE MATURING TREE FOR EVERY 40 LF. PROVIDED: 115 SHRUBS (574 LF / 5 FT O.C.); 15 LARGE TREES (574 LF / 40 FT O.C.)

NOTES:

1. FINAL SELECTION OF PLANT MATERIALS IS TO CONFORM WITH THE CITY OF ASHEVILLE RECOMMENDED SPECIES LIST. PLANT MATERIALS THAT ARE NOT ON THE SPECIES LIST MAY BE USED WITH THE APPROVAL OF THE PLANNING STAFF.



BUILDING INFORMATION:

RESIDENTIAL UNITS

	1BR	2BR	3BR	309 UNITS
100	31	12	4	47 UNITS
200	41	35	10	86 UNITS
300	42	39	18	99 UNITS
400	41	36	0	77 UNITS

GROSS FLOOR AREA:

BUILDING 100	58,294 SF	(11,684 SF FOOTPRINT)
BUILDING 200	118,681 SF	(25,432 SF FOOTPRINT)
BUILDING 300	140,523 SF	(30,800 SF FOOTPRINT)
BUILDING 400	97,960 SF	(21,392 SF FOOTPRINT)
TOTAL GFA	415,458 SF	(89,288 SF FOOTPRINT)

DEVELOPMENT BLOCK:

NAME OF PROJECT: FLOURNOY – BILTMORE APARTMENTS

PROJECT ADDRESS: FAIRVIEW RD
ASHEVILLE, NC

PROPERTY OWNER: DABHILL LLC
P.O. BOX 1870
CHARLESTON, SC 29402
(307) 413-8813

CONTACT PERSON: RYAN M. FOSTER
FLOURNOY DEVELOPMENT CO.
900 BROOKSTONE CENTRE PKWY.
P.O. BOX 6566
COLUMBUS, GA 31917-6566
(706) 243-9403

PIN #: 9848-80-8406
9847-89-8924

TOTAL ACREAGE: 14.02 ± ACRES

EXISTING ZONING: UV – URBAN VILLAGE (COA)
PROPOSED ZONING: UP(CZ) – URBAN PLACE (COA)
(CONDITIONAL ZONING)

BUILDING SETBACKS:
0–15' FRONT
0' SIDE
0' REAR

VEHICLE PARKING SPACES:
REQUIRED (HOUSING): 341 MIN. / 651 MAX.
(277 1/2 BEDROOM UNITS & 32 3 BEDROOM UNITS)
REQUIRED (RETAIL): 28 (1 PER 350 SF)
REQUIRED (LIVE/WORK): 15 (1 PER 350 SF)
PROVIDED: 578 (12 HC)

BICYCLE PARKING SPACES:
REQUIRED: 29 (5% OF PARKING)
PROVIDED: 30 (SEE LANDSCAPE PLAN)

RESIDENTIAL DENSITY:
ALLOWED: 64 UNITS/AC.
PROPOSED: 21.04 UNITS/AC.
309 TOTAL PROPOSED UNITS:
304 APARTMENT UNITS
5 LIVE/WORK UNITS

RETAIL DENSITY: 9,742 SQ.FT
LIVE/WORK DENSITY: 5,000 SQ.FT

MAX. BUILDING HEIGHT: BUILDING 100: 73'
BUILDING 200: 63'
BUILDINGS 300 & 400: 53'
(MEASURED FROM FINISHED FLOOR OF LOWEST LEVEL TO CEILING OF HEIGHEST FLOOR)

MAX. NUMBER OF STORIES: BUILDING 100 – 5 STORY W/ BASEMENT
BUILDING 200 – 5 STORY
BUILDING 300 – 4 STORY W/ BASEMENT
BUILDING 400 – 4 STORY W/ BASEMENT

FOOTPRINT: 89,288 S.F.
GROSS FLOOR AREA: 415,458 S.F.
OPEN SPACE CALCULATIONS:
REQUIRED:
(5% x ENTIRE SITE) = 30,537 S.F. (0.70 AC.)
PROVIDED: 58,576 S.F (1.34± AC.) (9±%)

CONCEPT PLANT SCHEDULE

SMALL DECIDUOUS TREE BETWEEN 15'-40' AT MATURE HEIGHT	129
LARGE DECIDUOUS TREE GREATER THAN 40' AT MATURE HEIGHT	142
EVERGREEN TREE GREATER THAN 15' AT MATURE HEIGHT	24
SMALL DECIDUOUS SHRUBS BETWEEN 3'-6' IN HEIGHT	567
SMALL EVERGREEN SHRUBS BETWEEN 3'-6' IN HEIGHT	309
LARGE EVERGREEN SHRUB BETWEEN 4'-15' IN HEIGHT	332

NORTH SCALE: 1"= 60'-0"

PROJECT #: 114058
DRAWN BY: CF
CHECKED BY: R.

NILES BOLTON ASSOCIATES

3060 Peachtree Rd. N.W.
Suite 600
Atlanta, GA 30305

T 404 365 7600
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www.nilesbolton.com

ISSUE DATE	DESCRIPTION

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Biltmore
APARTMENTS

Asheville
North Carolina

Flournoy COMPANIES

SHEET TITLE:
LANDSCAPE PLAN

SHEET NUMBER:
L0.01

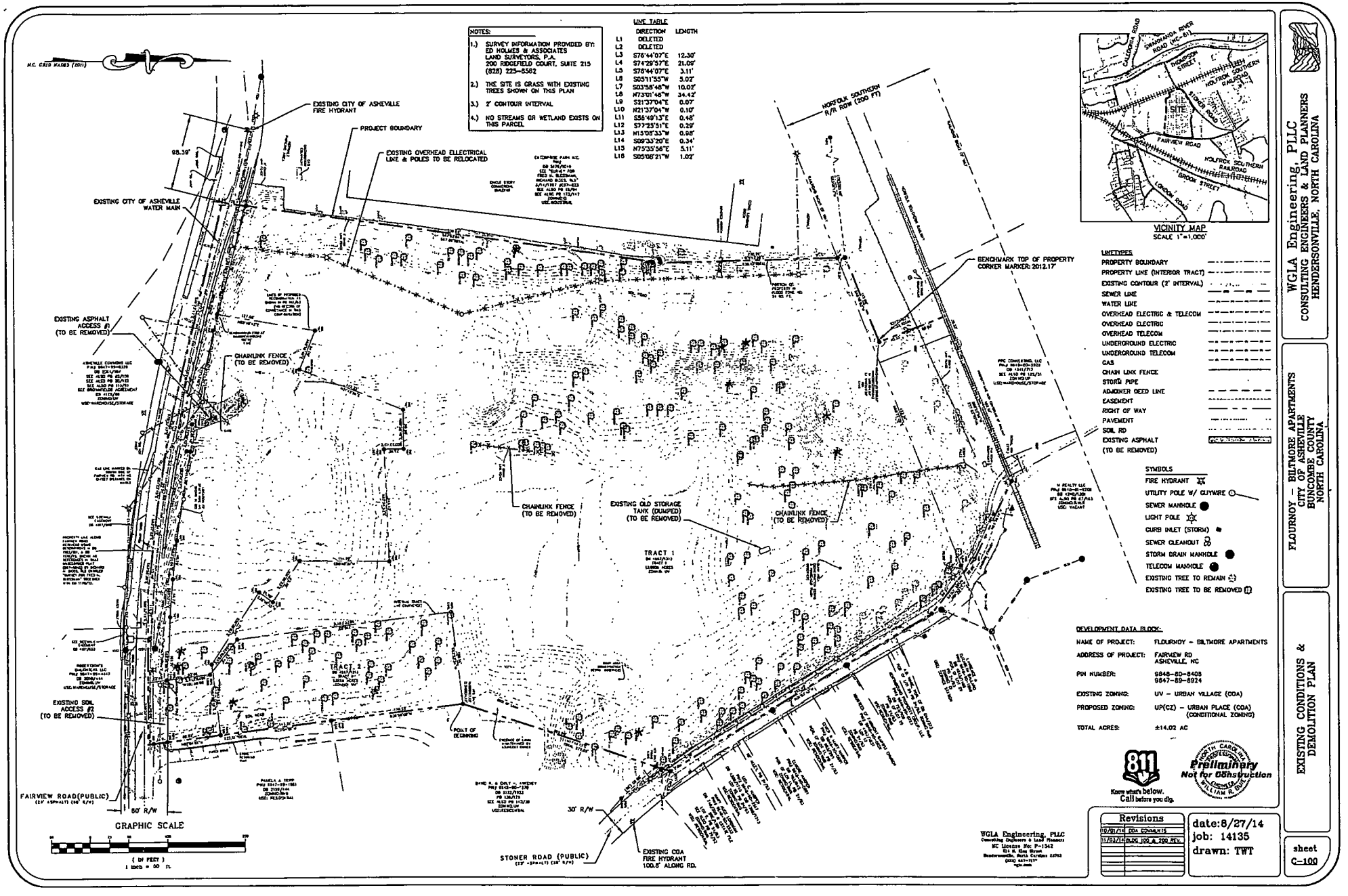
DATE: 10/01/2014

NOT RELEASED FOR CONSTRUCTION

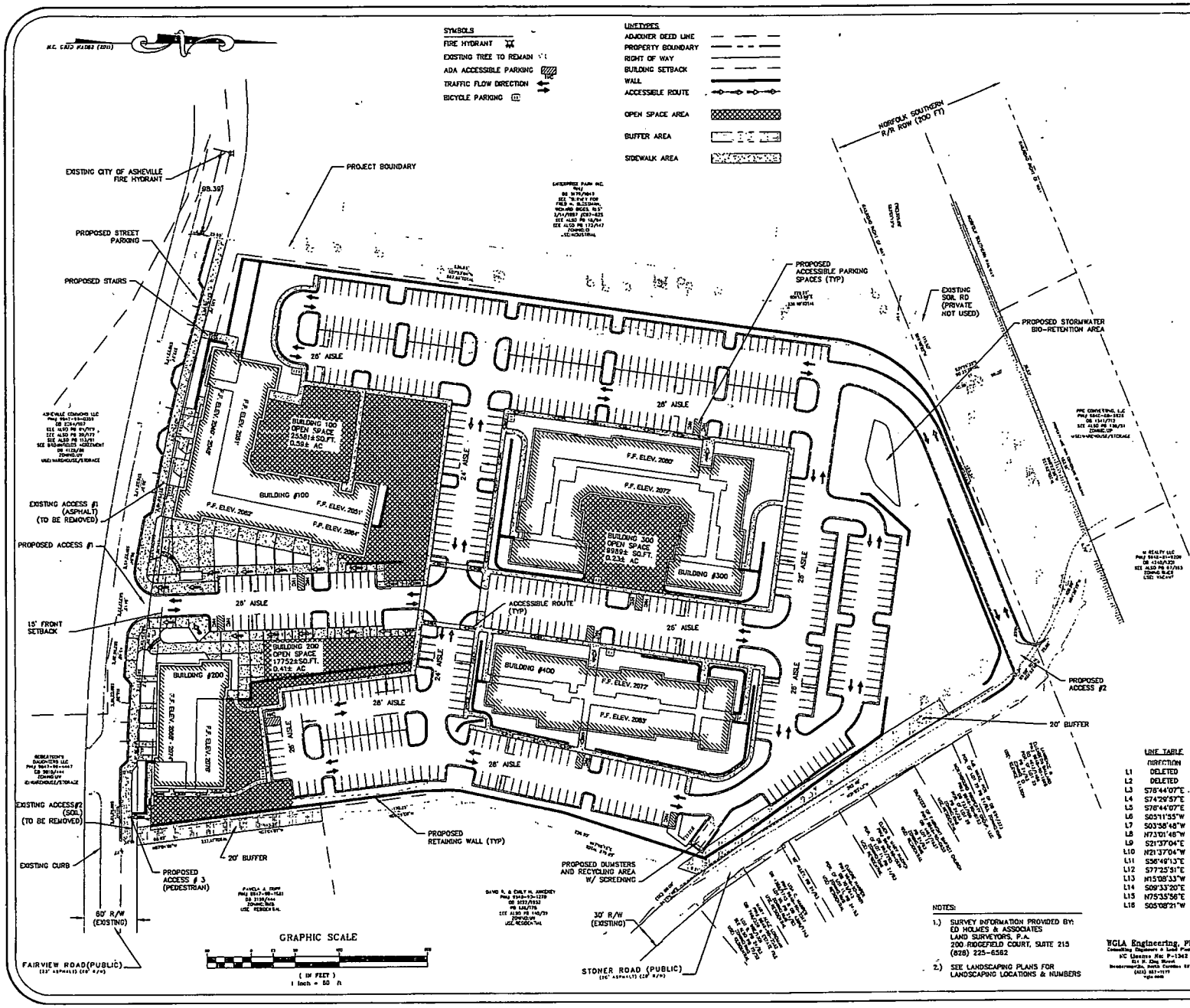
Z:\ARCH\14\114058\Land\04_Docs\L0_01 LANDSCAPE PLAN.dwg Plotted: Nov 08, 2014 - 3:07pm by tzuo

215

216



N.C. GRID NAD83 (2011)
EXISTING CITY OF ASHEVILLE FIRE HYDRANT
PROJECT BOUNDARY
EXISTING OVERHEAD ELLECTRICAL LINE & POLES TO BE RELOCATED
EXISTING CITY OF ASHEVILLE WATER MAIN
98.39'
EXISTING ASPHALT ACCESS #1 (TO BE REMOVED)
CHAINLINK FENCE (TO BE REMOVED)
CHAINLINK FENCE (TO BE REMOVED)
EXISTING OLD STORAGE TANK (DUMPED) (TO BE REMOVED)
CHAINLINK FENCE (TO BE REMOVED)
TRACT 1
TRACT 2
EXISTING SOIL ACCESS #2 (TO BE REMOVED)
POINT OF BEGINNING
FAIRVIEW ROAD(PUBLIC)
60' R/W
GRAPHIC SCALE
(IN FEET)
1 inch = 60 ft.
NORFOLK SOUTHERN R/R ROW (200 FT)
BENCHMARK TOP OF PROPERTY CORNER MARKER: 2012.17'
30' R/W
STONER ROAD (PUBLIC)
EXISTING COA FIRE HYDRANT 100.8' ALONG RD.
CALEDONIA ROAD
SWANNANOA RIVER ROAD (NC-81)
THOMPSON STREET
HOLFROK SOUTHERN RAILROAD
STONER ROAD
SITE
FAIRVIEW ROAD
HOLFROK SOUTHERN RAILROAD
BROOK STREET
LONDON ROAD
VICINITY MAP
SCALE 1"=1,000'
LINETYPES
PROPERTY BOUNDARY
PROPERTY LINE (INTERIOR TRACT)
EXISTING CONTOUR (2' INTERVAL)
SEWER LINE
WATER LINE
OVERHEAD ELECTRIC & TELECOM
OVERHEAD ELECTRIC
OVERHEAD TELECOM
UNDERGROUND ELECTRIC
UNDERGROUND TELECOM
GAS
CHAIN LINK FENCE
STORM PIPE
ADJOINER DEED LINE
EASEMENT
RIGHT OF WAY
PAVEMENT
SOIL RD
EXISTING ASPHALT (TO BE REMOVED)
SYMBOLS
FIRE HYDRANT
UTILITY POLE W/ GUYWIRE
SEWER MANHOLE
LIGHT POLE
CURB INLET (STORM)
SEWER CLEANOUT
STORM DRAIN MANHOLE
TELECOM MANHOLE
EXISTING TREE TO REMAIN
EXISTING TREE TO BE REMOVED
DEVELOPMENT DATA BLOCK:
NAME OF PROJECT: FLOURNOY - BILTMORE APARTMENTS
ADDRESS OF PROJECT: FAIRVIEW RD ASHEVILLE, NC
PIN NUMBER: 9848-80-8408 9847-89-8924
EXISTING ZONING: UV - URBAN VILLAGE (COA)
PROPOSED ZONING: UP(CZ) - URBAN PLACE (COA) (CONDITIONAL ZONING)
TOTAL ACRES: ±14.02 AC
811 Know what's below. Call before you dig.
NORTH CAROLINA PROFESSIONAL ENGINEER WILLIAM R. BLUE
Preliminary Not for Construction
WGLA Engineering, PLLC
Consulting Engineers & Land Planners
NC License No: P-1342
Revisions
10/01/14 COA COMMENTS
11/03/14 BLDG 100 & 200 REV.
date:8/27/14
job: 14135
drawn: TWT
WGLA Engineering, PLLC
CONSULTING ENGINEERS & LAND PLANNERS
HENDERSONVILLE, NORTH CAROLINA
FLOURNOY - BILTMORE APARTMENTS
CITY OF ASHEVILLE
BUNCOMBE COUNTY
NORTH CAROLINA
EXISTING CONDITIONS & DEMOLITION PLAN
sheet C-100



DEVELOPMENT BLOCK:

NAME OF PROJECT: FLOURNOY – BILTMORE APARTMENTS

PROJECT ADDRESS: FAIRVIEW RD
ASHEVILLE, NC

PROPERTY OWNER: DABHILL LLC
P.O. BOX 1870
CHARLESTON, SC 29402
(307) 413-8813

CONTACT PERSON: RYAN M. FOSTER
FLOURNOY DEVELOPMENT CO.
900 BROOKSTONE CENTRE PKWY.
P.O. BOX 6568
COLUMBUS, GA 31917-6568
(706) 243-9403

PIN #: 9648-80-8408
9647-89-8924

TOTAL ACREAGE: 14.02 ± ACRES

EXISTING ZONING: UV – URBAN VILLAGE (COA)
PROPOSED ZONING: UP(CZ) – URBAN PLACE (COA) (CONDITIONAL ZONING)

BUILDING SETBACKS:
0–15' FRONT
0' SIDE
0' REAR

VEHICLE PARKING SPACES:
REQUIRED (HOUSING): 341 MIN. / 651 MAX.
(277 1 AND 2 BEDROOM UNITS & 32 3 BEDROOM UNITS)
REQUIRED (RETAIL): 28 (1 PER 350 SF)
REQUIRED (LIVE/WORK): 15 (1 PER 350 SF)
PROVIDED: 578 TOTAL SPACES (12 HC)

BICYCLE PARKING SPACES:
REQUIRED: 29 (5% OF PARKING)
PROVIDED: 30 (SEE LANDSCAPE PLAN)

RESIDENTIAL DENSITY:
ALLOWED: 64 UNITS/AC.
PROPOSED: 22.04 UNITS/AC.
309 TOTAL PROPOSED UNITS
304 APARTMENT UNITS
5 LIVE/WORK UNITS

RETAIL DENSITY: 8,742 SQ.FT
LIVE/WORK DENSITY: 5,000 SQ.FT

MAX. BUILDING HEIGHT: BUILDING 100: 73'
BUILDING 200: 83'
BUILDINGS 300 & 400: 53'
(MEASURED FROM FINISHED FLOOR OF LOWEST LEVEL TO CEILING OF HEIGHEST FLOOR)

MAX. NUMBER OF STORIES:
BUILDING 100: 5 STORY W/ BASEMENT
BUILDING 200: 5 STORY
BUILDING 300: 4 STORY W/ BASEMENT
BUILDING 400: 4 STORY W/ BASEMENT

FOOTPRINT: 89,288 S.F.

GROSS FLOOR AREA: 415,456 S.F.

OPEN SPACE CALCULATIONS:
REQUIRED:
(5% x ENTIRE SITE) = 30,537 S.F. (0.70 AC.)

PROVIDED: 53,322 S.F (1.22± AC.) (8.7±%)

LINE TABLE

	DIRECTION	LENGTH
L1	DELETED	
L2	DELETED	
L3	S78°44'07"E	12.30'
L4	S74°29'57"E	21.09'
L5	S78°44'07"E	3.11'
L6	S03°11'55"W	5.02'
L7	S03°58'48"W	10.02'
L8	N73°01'46"W	34.42'
L9	S21°37'04"E	0.07'
L10	N21°37'04"W	0.10'
L11	S54°49'13"E	0.48'
L12	S77°25'51"E	0.29'
L13	N15°08'33"W	0.98'
L14	S09°33'20"E	0.34'
L15	N75°35'56"E	5.11'
L16	S05°08'21"W	1.02'

NOTES:

1.) SURVEY INFORMATION PROVIDED BY: ED HOLMES & ASSOCIATES LAND SURVEYORS, P.A. 200 RIDGEFIELD COURT, SUITE 215 (828) 225-6562

2.) SEE LANDSCAPING PLANS FOR LANDSCAPING LOCATIONS & NUMBERS

WGLA Engineering, PLLC
Consulting Engineers & Land Planners
NC License No: P-1342
114 W. King Street
Hendersonville, North Carolina 28792
(828) 697-9177
wgla.com

811 Know what's below. Call before you dig.

NORTH CAROLINA PROFESSIONAL ENGINEER SEAL WILLIAM R. GUEST

Preliminary Not for Construction

Revisions	
8/01/14	PDI COMMENTS
1/03/14	BLDG 100 & 200 REV.

date: 8/27/14
job: 14135
drawn: TWT

sheet C-200

WGLA Engineering, PLLC
CONSULTING ENGINEERS & LAND PLANNERS
HENDERSONVILLE, NORTH CAROLINA

FLOURNOY – BILTMORE APARTMENTS
CITY OF ASHEVILLE
BUNCOMBE COUNTY
NORTH CAROLINA

CONCEPTUAL SITE LAYOUT, MATERIALS, & ZONING COMPLIANCE PLAN

217

elevation 2 A3.11 SOUTH
3/32"=1'-0" BLDG 100 ELEVATION

elevation 1 A3.11 EAST
3/32"=1'-0" BLDG 100 ELEVATION

DEVELOPMENT BLOCK:

NAME OF PROJECT: FLOURNOY – BILTMORE APARTMENTS

PROJECT ADDRESS: FAIRVIEW RD
ASHEVILLE, NC

PROPERTY OWNER: DABHILL LLC
P.O. BOX 1870
CHARLESTON, SC 29402
(307) 413-8813

CONTACT PERSON: RYAN M. FOSTER
FLOURNOY DEVELOPMENT CO.
900 BROOKSTONE CENTRE PKWY.
P.O. BOX 6566
COLUMBUS, GA 31917-6566
(706) 243-9403

PIN #: 9848-80-8406
9847-89-8924

TOTAL ACREAGE: 14.02 ± ACRES

EXISTING ZONING: UV – URBAN VILLAGE (COA)
PROPOSED ZONING: UP(CZ) – URBAN PLACE (COA)
(CONDITIONAL ZONING)

BUILDING SETBACKS:
0-15' FRONT
0' SIDE
0' REAR

VEHICLE PARKING SPACES:
REQUIRED (HOUSING): 341 MIN. / 651 MAX.
(277 1/2 BEDROOM UNITS & 32 3 BEDROOM UNITS)
REQUIRED (RETAIL): 28 (1 PER 350 SF)
REQUIRED (LIVE/WORK): 15 (1 PER 350 SF)
PROVIDED: 578 (12 HC)

BICYCLE PARKING SPACES:
REQUIRED: 29 (5% OF PARKING)
PROVIDED: 30 (SEE LANDSCAPE PLAN)

RESIDENTIAL DENSITY:
ALLOWED: 64 UNITS/AC.
PROPOSED: 21.04 UNITS/AC.
309 TOTAL PROPOSED UNITS:
304 APARTMENT UNITS
5 LIVE/WORK UNITS

RETAIL DENSITY: 9,742 SQ.FT
LIVE/WORK DENSITY: 5,000 SQ.FT

MAX. BUILDING HEIGHT: BUILDING 100: 73'
BUILDING 200: 63'
BUILDINGS 300 & 400: 63'
(MEASURED FROM FINISHED FLOOR OF LOWEST LEVEL TO CEILING OF HEIGHEST FLOOR)

MAX. NUMBER OF STORIES: BUILDING 100 – 5 STORY W/ BASEMENT
BUILDING 200 – 5 STORY
BUILDING 300 – 4 STORY W/ BASEMENT
BUILDING 400 – 4 STORY W/ BASEMENT

FOOTPRINT: 89,288 S.F.
GROSS FLOOR AREA: 415,438 S.F.
OPEN SPACE CALCULATIONS:
REQUIRED:
(5% x ENTIRE SITE) = 30,537 S.F. (0.70 AC.)
PROVIDED: 58,578 S.F (1.34± AC.) (9±%)

PROJECT #: 114058
DRAWN BY: TC
CHECKED BY: DF

NILES BOLTON ASSOCIATES

3060 Peachtree Rd. N.W.
Suite 600
Atlanta, GA 30305

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www.nilesbolton.com

ISSUE DATE	DESCRIPTION

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Biltmore
APARTMENTS

Asheville
North Carolina

Flournoy COMPANIES

SHEET TITLE:
BUILDING 100
ELEVATIONS

SHEET NUMBER:
A3.11

DATE: 10/01/2014

NOT RELEASED FOR CONSTRUCTION

Z:\ARCH11\114058\04_elevations\Elevation Presentation 2014_1031.dwg Plotted: Nov 06, 2014 - 3:08pm by tbao

elevation 2 A3.12 WEST
3/32"=1'-0"
BLDG 200 ELEVATION

elevation 1 A3.12 SOUTH
3/32"=1'-0"
BLDG 200 ELEVATION

DEVELOPMENT BLOCK:

NAME OF PROJECT: FLOURNOY – BILTMORE APARTMENTS

PROJECT ADDRESS: FAIRVIEW RD
ASHEVILLE, NC

PROPERTY OWNER: DABHILL LLC
P.O. BOX 1870
CHARLESTON, SC 29402
(307) 413-8813

CONTACT PERSON: RYAN M. FOSTER
FLOURNOY DEVELOPMENT CO.
900 BROOKSTONE CENTRE PKWY.
P.O. BOX 6568
COLUMBUS, GA 31917-6568
(706) 243-9403

PIN #: 9848-80-8408
9847-89-8924

TOTAL ACREAGE: 14.02 ± ACRES

EXISTING ZONING: UV – URBAN VILLAGE (COA)
PROPOSED ZONING: UP(CZ) – URBAN PLACE (COA)
(CONDITIONAL ZONING)

BUILDING SETBACKS:
0-15' FRONT
0' SIDE
0' REAR

VEHICLE PARKING SPACES:
REQUIRED (HOUSING): 341 MIN. / 651 MAX.
(277 1/2 BEDROOM UNITS & 32 3 BEDROOM UNITS)
REQUIRED (RETAIL): 28 (1 PER 350 SF)
REQUIRED (LIVE/WORK): 16 (1 PER 350 SF)
PROVIDED: 678 (12 HC)

BICYCLE PARKING SPACES:
REQUIRED: 29 (5% OF PARKING)
PROVIDED: 30 (SEE LANDSCAPE PLAN)

RESIDENTIAL DENSITY:
ALLOWED: 84 UNITS/AC.
PROPOSED: 21.04 UNITS/AC.
309 TOTAL PROPOSED UNITS:
304 APARTMENT UNITS
5 LIVE/WORK UNITS

RETAIL DENSITY: 9,742 SQ.FT
LIVE/WORK DENSITY: 5,000 SQ.FT

MAX. BUILDING HEIGHT: BUILDING 100: 73'
BUILDING 200: 63'
BUILDINGS 300 & 400: 53'
(MEASURED FROM FINISHED FLOOR OF LOWEST LEVEL TO CEILING OF HEIGHEST FLOOR)

MAX. NUMBER OF STORIES: BUILDING 100 – 6 STORY W/ BASEMENT
BUILDING 200 – 6 STORY
BUILDING 300 – 4 STORY W/ BASEMENT
BUILDING 400 – 4 STORY W/ BASEMENT

FOOTPRINT: 89,288 S.F.
GROSS FLOOR AREA: 416,458 S.F.
OPEN SPACE CALCULATIONS:
REQUIRED:
(5% x ENTIRE SITE) = 30,537 S.F. (0.70 AC.)
PROVIDED: 58,676 S.F (1.34± AC.) (9±%)

PROJECT #: 114058
DRAWN BY: TC
CHECKED BY: DF

NILES BOLTON ASSOCIATES

3060 Peachtree Rd. N.W.
Suite 600
Atlanta, GA 30305

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F 404 365 7610

www.nilesbolton.com

ISSUE DATE	DESCRIPTION

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Biltmore
APARTMENTS

Asheville
North Carolina

Flournoy COMPANIES

SHEET TITLE:
BUILDING 200
ELEVATIONS

SHEET NUMBER:
A3.12

DATE: 10/01/2014

NOT RELEASED FOR CONSTRUCTION

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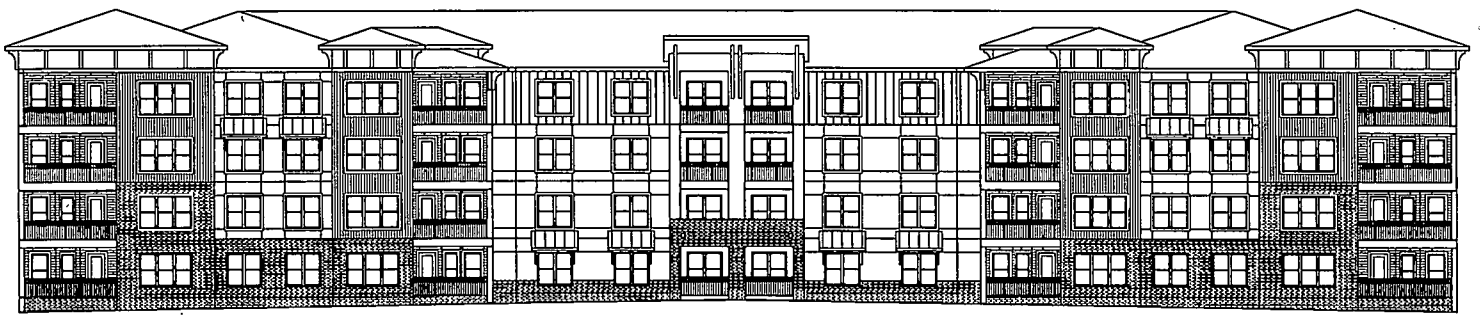
219

220

elevation 2 A3.13 WEST
3/32"=1'-0"
BLDG 300 ELEVATION



elevation 1 A3.13 EAST
3/32"=1'-0"
BLDG 300 ELEVATION

DEVELOPMENT BLOCK:

NAME OF PROJECT: FLOURNOY – BILTMORE APARTMENTS

PROJECT ADDRESS: FAIRVIEW RD
ASHEVILLE, NC

PROPERTY OWNER: DABHILL LLC
P.O. BOX 1870
CHARLESTON, SC 29402
(307) 413-8813

CONTACT PERSON: RYAN M. FOSTER
FLOURNOY DEVELOPMENT CO.
900 BROOKSTONE CENTRE PKWY.
P.O. BOX 6568
COLUMBUS, GA 31917-6568
(706) 243-9403

PIN #: 9848-80-8406
9847-89-8924

TOTAL ACREAGE: 14.02 ± ACRES

EXISTING ZONING: UV – URBAN VILLAGE (COA)
PROPOSED ZONING: UP(CZ) – URBAN PLACE (COA)
(CONDITIONAL ZONING)

BUILDING SETBACKS:
0–15' FRONT
0' SIDE
0' REAR

VEHICLE PARKING SPACES:
REQUIRED (HOUSING): 341 MIN. / 651 MAX.
(277 1/2 BEDROOM UNITS & 32 3 BEDROOM UNITS)
REQUIRED (RETAIL): 28 (1 PER 350 SF)
REQUIRED (LIVE/WORK): 15 (1 PER 350 SF)
PROVIDED: 578 (12 HC)

BICYCLE PARKING SPACES:
REQUIRED: 29 (5% OF PARKING)
PROVIDED: 30 (SEE LANDSCAPE PLAN)

RESIDENTIAL DENSITY:
ALLOWED: 64 UNITS/AC.
PROPOSED: 21.04 UNITS/AC.
309 TOTAL PROPOSED UNITS:
304 APARTMENT UNITS
5 LIVE/WORK UNITS

RETAIL DENSITY: 9,742 SQ.FT
LIVE/WORK DENSITY: 5,000 SQ.FT

MAX. BUILDING HEIGHT: BUILDING 100: 73'
BUILDING 200: 63'
BUILDINGS 300 & 400: 53'
(MEASURED FROM FINISHED FLOOR OF LOWEST LEVEL TO CEILING OF HEIGHEST FLOOR)

MAX. NUMBER OF STORIES: BUILDING 100 – 6 STORY W/ BASEMENT
BUILDING 200 – 5 STORY
BUILDING 300 – 4 STORY W/ BASEMENT
BUILDING 400 – 4 STORY W/ BASEMENT

FOOTPRINT: 89,288 S.F.
GROSS FLOOR AREA: 415,458 S.F.
OPEN SPACE CALCULATIONS:
REQUIRED:
(5% x ENTIRE SITE) = 30,637 S.F. (0.70 AC.)
PROVIDED: 58,578 S.F (1.34± AC.) (9±%)

PROJECT #: 114058
DRAWN BY: TC
CHECKED BY: DF

NILES BOLTON ASSOCIATES

3060 Peachtree Rd. N.W.
Suite 600
Atlanta, GA 30305

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F 404 365 7610

www.nilesbolton.com

ISSUE DATE	DESCRIPTION

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Biltmore
APARTMENTS

Asheville
North Carolina

Flournoy COMPANIES

SHEET TITLE:
BUILDING 300
ELEVATIONS

SHEET NUMBER:
A3.13

DATE: 10/01/2014

NOT RELEASED FOR CONSTRUCTION

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DEVELOPMENT BLOCK:

NAME OF PROJECT: FLOURNOY – BILTMORE APARTMENTS

PROJECT ADDRESS: FAIRVIEW RD
ASHEVILLE, NC

PROPERTY OWNER: DABHILL LLC
P.O. BOX 1870
CHARLESTON, SC 29402
(307) 413-6813

CONTACT PERSON: RYAN M. FOSTER
FLOURNOY DEVELOPMENT CO.
900 BROOKSTONE CENTRE PKWY.
P.O. BOX 6568
COLUMBUS, GA 31917-6568
(706) 243-9403

PIN #: 9848-80-8408
9847-89-8924

TOTAL ACREAGE: 14.02 ± ACRES

EXISTING ZONING: UV – URBAN VILLAGE (COA)

PROPOSED ZONING: UP(CZ) – URBAN PLACE (COA)
(CONDITIONAL ZONING)

BUILDING SETBACKS:
0–15' FRONT
0' SIDE
0' REAR

VEHICLE PARKING SPACES:

REQUIRED (HOUSING): 341 MIN. / 651 MAX.
(277 1/2 BEDROOM UNITS & 32 3 BEDROOM UNITS)
REQUIRED (RETAIL): 28 (1 PER 350 SF)
REQUIRED (LIVE/WORK): 15 (1 PER 350 SF)
PROVIDED: 578 (12 HC)

BICYCLE PARKING SPACES:
REQUIRED: 29 (5% OF PARKING)
PROVIDED: 30 (SEE LANDSCAPE PLAN)

RESIDENTIAL DENSITY:
ALLOWED: 64 UNITS/AC.
PROPOSED: 21.04 UNITS/AC.
309 TOTAL PROPOSED UNITS:
304 APARTMENT UNITS
5 LIVE/WORK UNITS

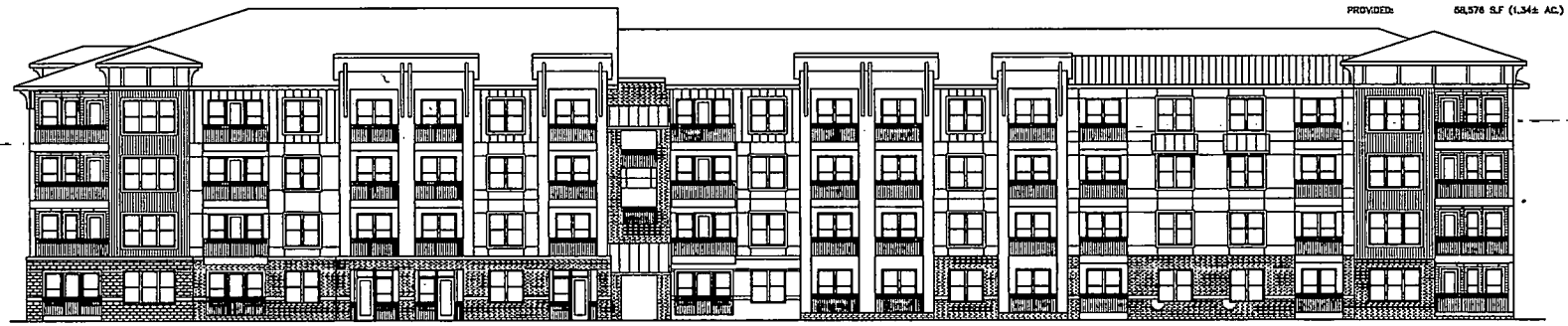
RETAIL DENSITY: 9,742 SQ.FT
LIVE/WORK DENSITY: 5,000 SQ.FT

MAX. BUILDING HEIGHT: BUILDING 100: 73'
BUILDING 200: 63'
BUILDINGS 300 & 400: 53'
(MEASURED FROM FINISHED FLOOR OF LOWEST LEVEL TO CEILING OF HEIGHEST FLOOR)

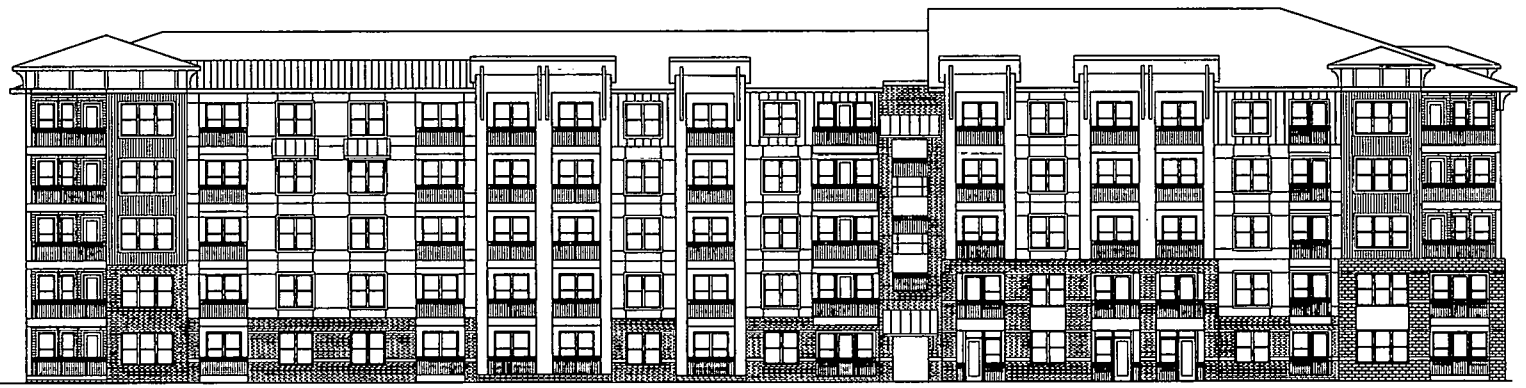
MAX. NUMBER OF STORIES: BUILDING 100 – 5 STORY W/ BASEMENT
BUILDING 200 – 5 STORY
BUILDING 300 – 4 STORY W/ BASEMENT
BUILDING 400 – 4 STORY W/ BASEMENT

FOOTPRINT: 89,258 S.F.
GROSS FLOOR AREA: 418,458 S.F.
OPEN SPACE CALCULATIONS:
REQUIRED:
(5% x ENTIRE SITE) = 30,537 S.F. (0.70 AC.)

PROVIDED: 58,576 S.F (1.34± AC.) (9±%)



elevation 2 A3.14 EAST
3/32"=1'-0"
BLDG 400 ELEVATION



elevation 1 A3.14 WEST
3/32"=1'-0"
BLDG 400 ELEVATION

PROJECT #: 114058
DRAWN BY: TC
CHECKED BY: DF

NILES BOLTON ASSOCIATES

3060 Peachtree Rd. N.W.
Suite 600
Atlanta, GA 30305

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F 404 365 7610

www.nilesbolton.com

ISSUE DATE	DESCRIPTION

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Biltmore
APARTMENTS

Asheville
North Carolina

Flournoy COMPANIES

SHEET TITLE:
BUILDING 400
ELEVATIONS

SHEET NUMBER:
A3.14

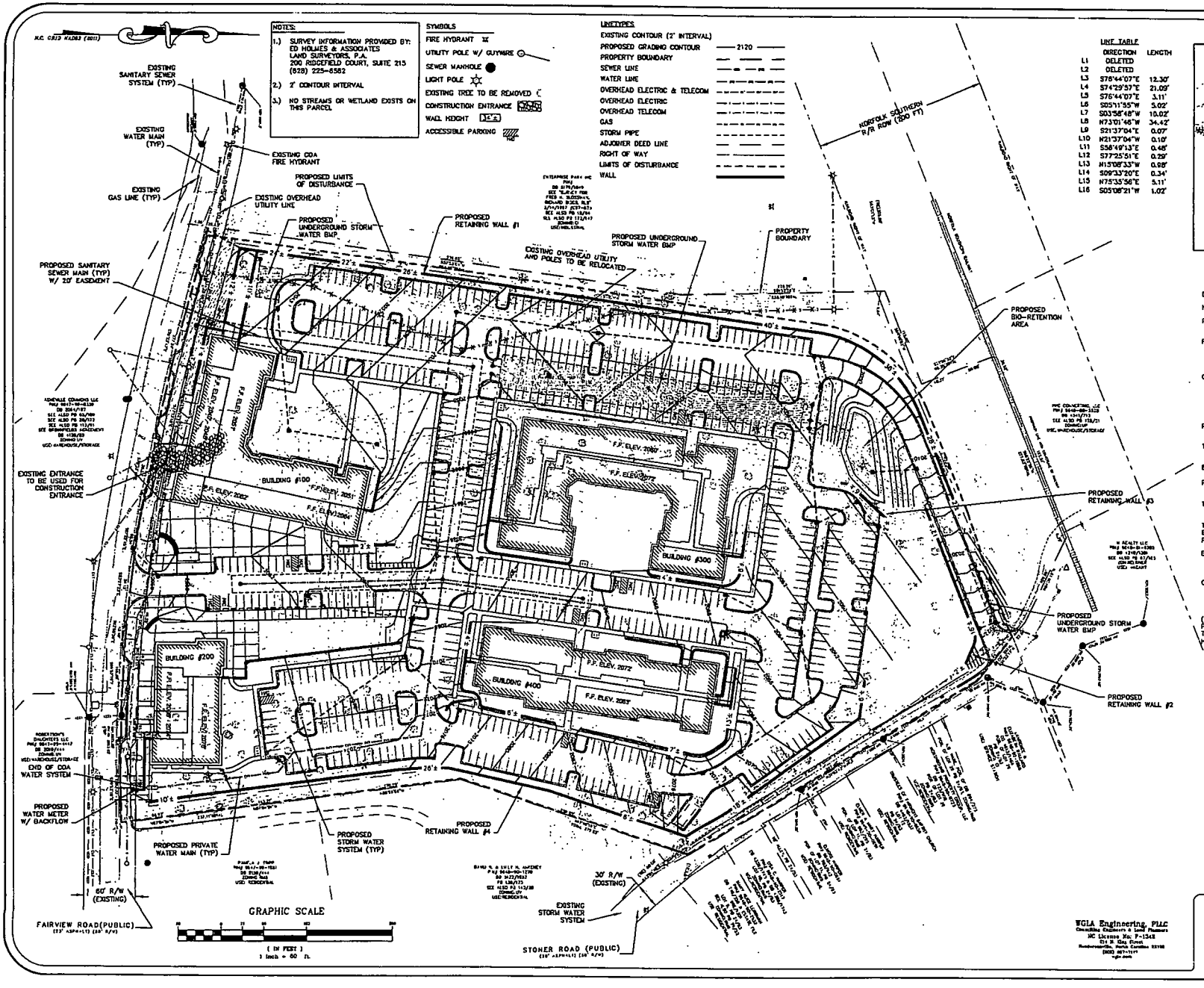
DATE: 10/01/2014

NOT RELEASED FOR CONSTRUCTION

Z:\ARCH14\114058\04_elevations\Elevation Presentation 2014_100.dwg Plotted: Nov 06, 2014 - 3:03pm by tom

221

222



NOTES:

1.) SURVEY INFORMATION PROVIDED BY: ED HOLMES & ASSOCIATES LAND SURVEYORS, P.A. 200 RIDGEFIELD COURT, SUITE 215 (828) 225-6582
2.) 2' CONTOUR INTERVAL
3.) NO STREAMS OR WETLAND EXISTS ON THIS PARCEL

SYMBOLS

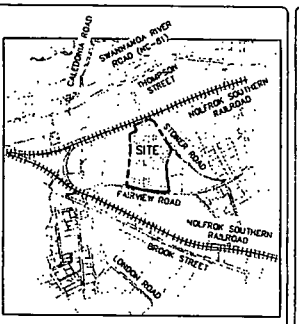
FIRE HYDRANT
UTILITY POLE W/ GUYWIRE
SEWER MANHOLE
LIGHT POLE
EXISTING TREE TO BE REMOVED
CONSTRUCTION ENTRANCE
WALL HEIGHT 34'±
ACCESSIBLE PARKING

LINETYPES

EXISTING CONTOUR (2' INTERVAL)
PROPOSED GRADING CONTOUR 2120
PROPERTY BOUNDARY
SEWER LINE
WATER LINE
OVERHEAD ELECTRIC & TELECOM
OVERHEAD ELECTRIC
OVERHEAD TELECOM
GAS
STORM PIPE
ADJOINER DEED LINE
RIGHT OF WAY
LIMITS OF DISTURBANCE
WALL

LINE TABLE

	DIRECTION	LENGTH
L1	DELETED	
L2	DELETED	
L3	S76°44'07"E	12.30'
L4	S74°29'57"E	21.09'
L5	S76°44'07"E	3.11'
L6	S05°11'55"W	5.02'
L7	S03°58'48"W	10.02'
L8	N73°01'46"W	34.42'
L9	S21°37'04"E	0.07'
L10	N21°37'04"W	0.10'
L11	S58°49'13"E	0.48'
L12	S77°25'51"E	0.29'
L13	N15°08'33"W	0.98'
L14	S09°33'20"E	0.34'
L15	N75°35'56"E	5.11'
L16	S05°08'21"W	1.02'



VICINITY MAP
SCALE 1"=1,000'

DEVELOPMENT BLOCK:

NAME OF PROJECT: FLOURNOY - BILTMORE APARTMENTS

PROJECT ADDRESS: FAIRVIEW RD ASHEVILLE, NC

PROPERTY OWNER: DABHILL, LLC P.O. BOX 1870 CHARLESTON, SC 29402 (307) 413-8813

CONTACT PERSON: RYAN M. FOSTER FLOURNOY DEVELOPMENT CO. 900 BROOKSTONE CENTRE PKWY. P.O. BOX 6588 COLUMBUS, GA 31917-6588 (706) 243-9403

PIN #: 9848-80-8406 9847-89-8924

TOTAL ACREAGE: 14.02± ACRES

EXISTING ZONING: UV - URBAN VILLAGE (COA)

PROPOSED ZONING: UP(CZ) - URBAN PLACE (COA) (CONDITIONAL ZONING)

TOTAL DISTURBED AREA: 12.9 ± ACRES

TOTAL IMPERVIOUS AREA:
EXISTING: 0.06 ± ACRES
PROPOSED: 6.43 ± ACRES (ON SITE)

BUILDINGS: 309 TOTAL PROPOSED UNITS 304 APARTMENT UNITS 5 LIVE/WORK UNITS

CUT/FILL VOLUMES:
CUT: 108,000 ± CU. YDS.
FILL: 108,000 ± CU. YDS.
NET: 0 ± CU. YDS.

(CUT & FILL NUMBERS ARE FOR INFORMATIONAL PURPOSE ONLY. CONTRACTOR IS RESPONSIBLE FOR THEIR OWN TAKEOFF FOR BIDDING AND CONSTRUCTION. HOWEVER SITE WILL NOT BALANCE)

TOTAL DISTURBED AREA 12.9± Ac.

CITY OF ASHEVILLE PERMIT # BP# XXX

811 Know what's below. Call before you dig.

NORTH CAROLINA PROFESSIONAL ENGINEER WILLIAM R. RUIZ Preliminary Not for Construction

WGLA Engineering, PLLC
Consulting Engineers & Land Planners
NC License No: F-1348
Ctr N. Gay Street
Hendersonville, North Carolina 28792
(800) 867-7177
wgla.com

Revisions	
10/01/14	COA COMMENTS
11/03/14	BLDG 100 & 200 REV.

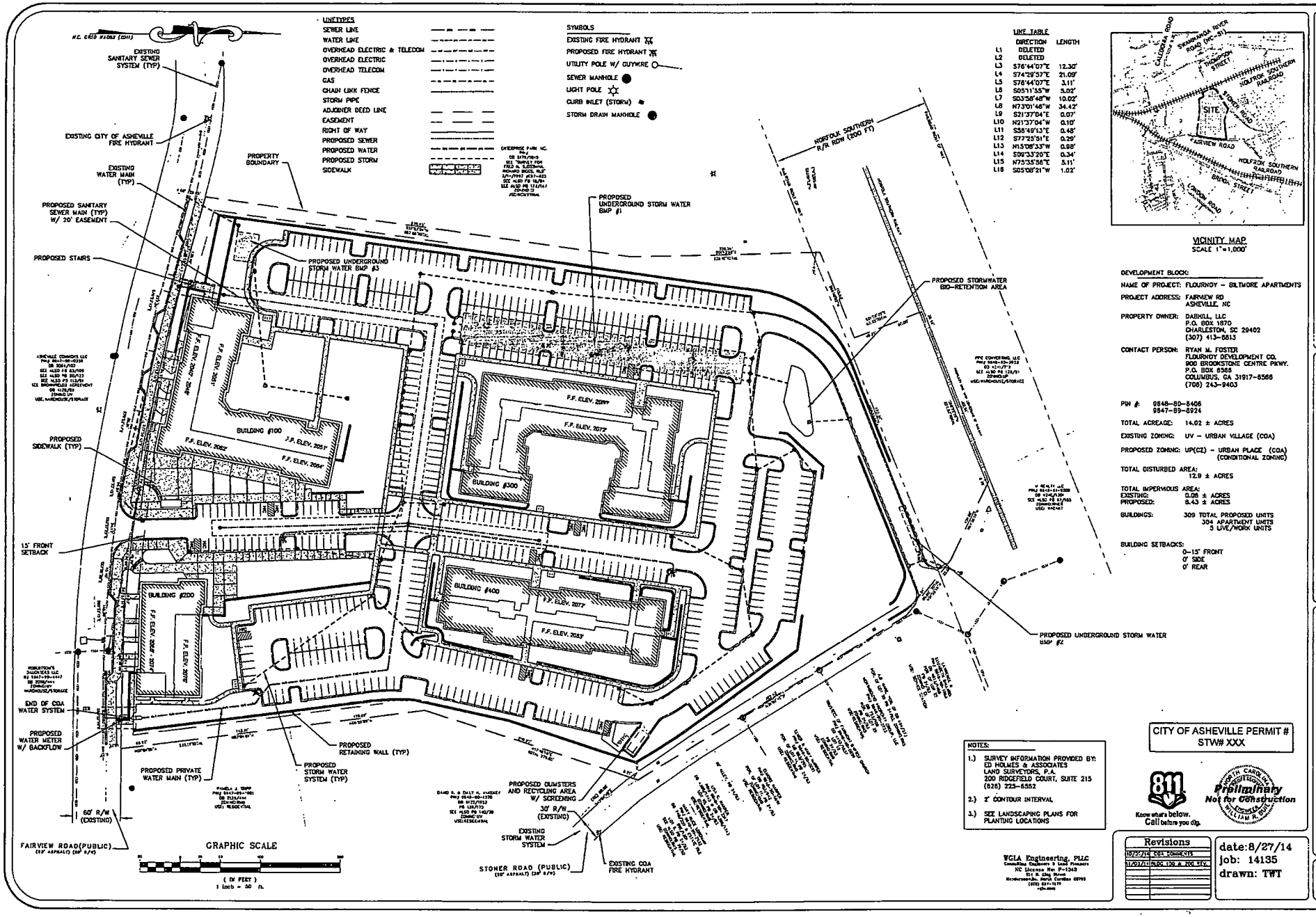
date: 8/27/14
job: 14135
drawn: TWT

WGLA Engineering, PLLC
CONSULTING ENGINEERS & LAND PLANNERS
HENDERSONVILLE, NORTH CAROLINA

FLOURNOY - BILTMORE APARTMENTS
CITY OF ASHEVILLE
BUNCOMBE COUNTY
NORTH CAROLINA

GRADING & EROSION CONTROL PLAN

sheet C-300


LINETYPES
SEWER LINE
WATER LINE
OVERHEAD ELECTRIC & TELECOM
OVERHEAD ELECTRIC
OVERHEAD TELECOM
GAS
CHAIN LINK FENCE
STORM PIPE
ADJOINER DEED LINE
EASEMENT
RIGHT OF WAY
PROPOSED SEWER
PROPOSED WATER
PROPOSED STORM
SIDEWALK
SYMBOLS
EXISTING FIRE HYDRANT
PROPOSED FIRE HYDRANT
UTILITY POLE W/ GUYWIRE
SEWER MANHOLE
LIGHT POLE
CURB INLET (STORM)
STORM DRAIN MANHOLE
LINE TABLE
DIRECTION LENGTH
L1 DELETED
L2 DELETED
L3 S76°44'07"E 12.30'
L4 S74°29'57"E 21.09'
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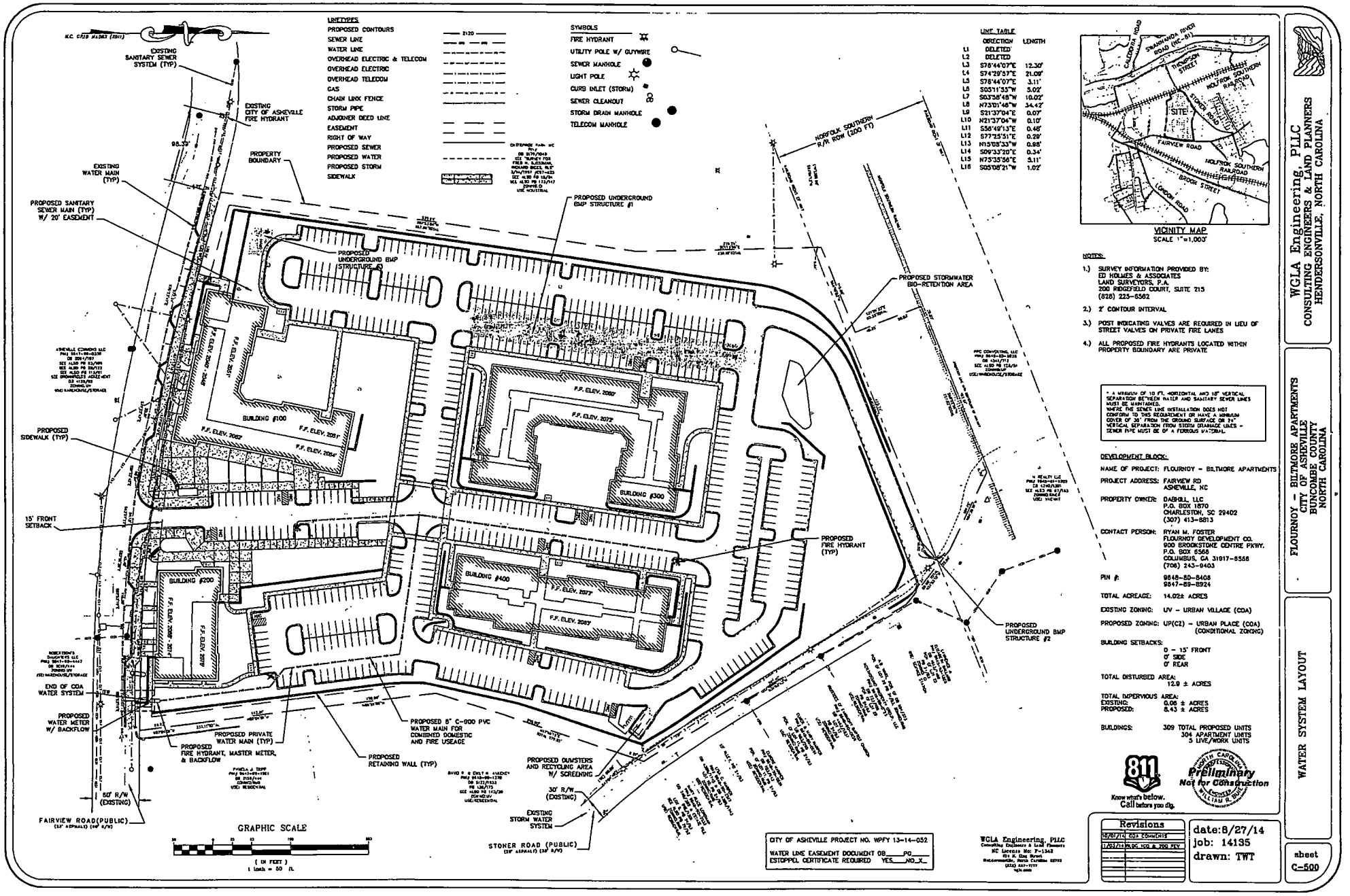
L6 S05°11'55"W 8.02'
L7 S03°56'48"W 10.02'
L8 N73°01'46"W 34.42'
L9 S21°37'04"E 0.07'
L10 N21°37'04"W 0.10'
L11 S56°49'13"E 0.48'
L12 S77°23'51"E 0.29'
L13 N15°06'33"W 0.98'
L14 S09°33'20"E 0.34'
L15 N75°35'56"E 5.11'
L16 S05°08'21"W 1.02'
EXISTING SANITARY SEWER SYSTEM (TYP)
EXISTING CITY OF ASHEVILLE FIRE HYDRANT
EXISTING WATER MAIN (TYP)
PROPOSED SANITARY SEWER MAIN (TYP) W/ 20' EASEMENT
PROPOSED STAIRS
PROPOSED SIDEWALK (TYP)
15' FRONT SETBACK
END OF COA WATER SYSTEM
PROPOSED WATER METER W/ BACKFLOW
PROPERTY BOUNDARY
PROPOSED UNDERGROUND STORM WATER BMP #3
PROPOSED UNDERGROUND STORM WATER BMP #1
PROPOSED UNDERGROUND STORM WATER BMP #2
PROPOSED STORMWATER BIO-RETENTION AREA
NORFOLK SOUTHERN R/R ROW (200 FT)
BUILDING #100
BUILDING #200
BUILDING #300
BUILDING #400
F.F. ELEV. 2062'
F.F. ELEV. 2065'
F.F. ELEV. 2064'
F.F. ELEV. 2077'
F.F. ELEV. 2087'
PROPOSED RETAINING WALL (TYP)
PROPOSED STORM WATER SYSTEM (TYP)
PROPOSED PRIVATE WATER MAIN (TYP)
PROPOSED DUMSTERS AND RECYCLING AREA W/ SCREENING
30' R/W (EXISTING)
EXISTING STORM WATER SYSTEM
EXISTING COA FIRE HYDRANT
STONER ROAD (PUBLIC)
60' R/W (EXISTING)
FAIRVIEW ROAD(PUBLIC)
GRAPHIC SCALE
(IN FEET)
1 inch = 50 ft.
VICINITY MAP
SCALE 1"=1,000'
SITE
FAIRVIEW ROAD
NORFOLK SOUTHERN RAILROAD
SWANNANOA RIVER ROAD (NC-81)
THOMPSON STREET
STONER ROAD
BROOK STREET
LONDON ROAD
DEVELOPMENT BLOCK:
NAME OF PROJECT: FLOURNOY – BILTMORE APARTMENTS
PROJECT ADDRESS: FAIRVIEW RD ASHEVILLE, NC
PROPERTY OWNER: DARNILL, LLC P.O. BOX 1870 CHARLESTON, SC 29402 (307) 413-8813
CONTACT PERSON: RYAN M. FOSTER FLOURNOY DEVELOPMENT CO. 900 BROOKSTONE CENTRE PKWY. P.O. BOX 6368 COLUMBUS, GA 31917-6368 (706) 243-9403
PIN #: 9846-80-8406 9847-89-8924
TOTAL ACREAGE: 14.02 ± ACRES
EXISTING ZONING: UV – URBAN VILLAGE (COA)
PROPOSED ZONING: UP(CZ) – URBAN PLACE (COA) (CONDITIONAL ZONING)
TOTAL DISTURBED AREA: 12.9 ± ACRES
TOTAL IMPERVIOUS AREA: EXISTING: 0.06 ± ACRES PROPOSED: 8.43 ± ACRES
BUILDINGS: 309 TOTAL PROPOSED UNITS 304 APARTMENT UNITS 5 LIVE/WORK UNITS
BUILDING SETBACKS: 0-15' FRONT 0' SIDE 0' REAR
NOTES:
1.) SURVEY INFORMATION PROVIDED BY: ED HOLMES & ASSOCIATES LAND SURVEYORS, P.A. 200 RIDGEFIELD COURT, SUITE 215 (828) 223-6552
2.) 2' CONTOUR INTERVAL
3.) SEE LANDSCAPING PLANS FOR PLANTING LOCATIONS
CITY OF ASHEVILLE PERMIT # STW# XXX
811 Know what's below. Call before you dig.
Preliminary Not for Construction
WGLA Engineering, PLLC
Revisions
10/27/14 COA COMMENTS
11/03/14 PLDG 100 & 200 STY.
date:8/27/14
job: 14135
drawn: TWT
sheet C-400
WGLA Engineering, PLLC
CONSULTING ENGINEERS & LAND PLANNERS
HENDERSONVILLE, NORTH CAROLINA
FLOURNOY – BILTMORE APARTMENTS
CITY OF ASHEVILLE
BUNCOMBE COUNTY
NORTH CAROLINA
STORM WATER PLAN

223


LINETYPES
PROPOSED CONTOURS
SEWER LINE
WATER LINE
OVERHEAD ELECTRIC & TELECOM
OVERHEAD ELECTRIC
OVERHEAD TELECOM
GAS
CHAIN LINK FENCE
STORM PIPE
ADJOINER DEED LINE
EASEMENT
RIGHT OF WAY
PROPOSED SEWER
PROPOSED WATER
PROPOSED STORM
SIDEWALK
SYMBOLS
FIRE HYDRANT
UTILITY POLE W/ GUYWIRE
SEWER MANHOLE
LIGHT POLE
CURB INLET (STORM)
SEWER CLEANOUT
STORM DRAIN MANHOLE
TELECOM MANHOLE
LINE TABLE
DIRECTION LENGTH
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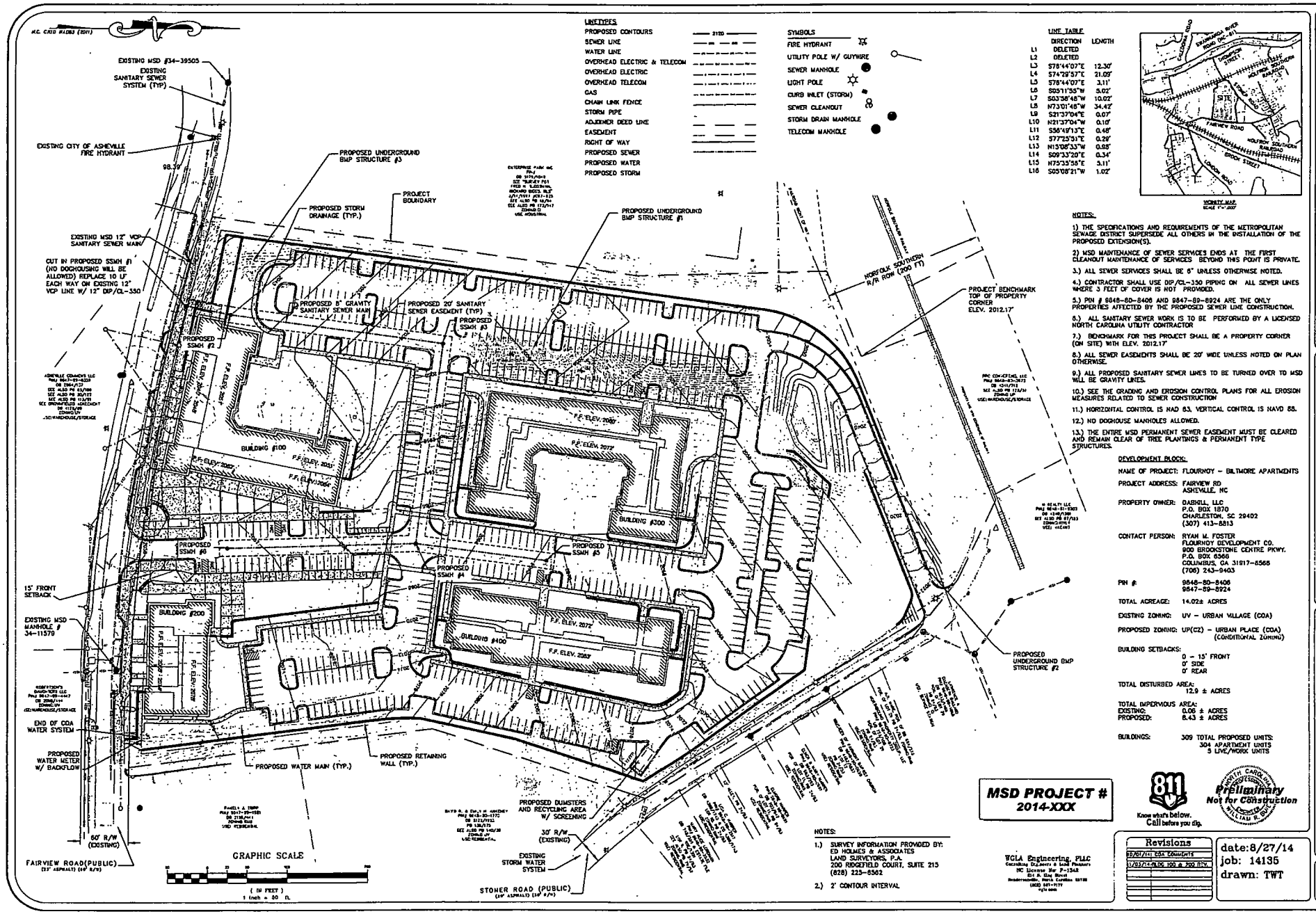
L14 S09°33'20"E 0.34'
L15 N75°35'56"E 3.11'
L16 S05°08'21"W 1.02'
EXISTING SANITARY SEWER SYSTEM (TYP)
EXISTING CITY OF ASHEVILLE FIRE HYDRANT
PROPERTY BOUNDARY
EXISTING WATER MAIN (TYP)
PROPOSED SANITARY SEWER MAIN (TYP) W/ 20' EASEMENT
PROPOSED UNDERGROUND BMP STRUCTURE #1
PROPOSED UNDERGROUND BMP STRUCTURE #3
NORFOLK SOUTHERN R/R ROW (200 FT)
PROPOSED STORMWATER BIO-RETENTION AREA
PROPOSED SIDEWALK (TYP)
15' FRONT SETBACK
BUILDING #100
BUILDING #200
BUILDING #300
BUILDING #400
F.F. ELEV. 2060'
F.F. ELEV. 2072'
F.F. ELEV. 2077'
F.F. ELEV. 2083'
PROPOSED FIRE HYDRANT (TYP)
PROPOSED UNDERGROUND BMP STRUCTURE #2
END OF COA WATER SYSTEM
PROPOSED WATER METER W/ BACKFLOW
PROPOSED FIRE HYDRANT, MASTER METER, & BACKFLOW
PROPOSED PRIVATE WATER MAIN (TYP)
PROPOSED 8" C-900 PVC WATER MAIN FOR COMBINED DOMESTIC AND FIRE USEAGE
PROPOSED RETAINING WALL (TYP)
PROPOSED DUMPSTERS AND RECYCLING AREA W/ SCREENING
30' R/W (EXISTING)
EXISTING STORM WATER SYSTEM
STONER ROAD (PUBLIC)
60' R/W (EXISTING)
FAIRVIEW ROAD (PUBLIC)
GRAPHIC SCALE
(IN FEET)
1 inch = 50 ft.
VICINITY MAP
SCALE 1"=1,000'
SWANNANOA RIVER ROAD (NC-81)
CALDWELL ROAD
THOMPSON STREET
HOLSTON SOUTHERN RAILROAD
STONER ROAD
SITE
FAIRVIEW ROAD
BROOK STREET
LONDON ROAD
NOTES:
1.) SURVEY INFORMATION PROVIDED BY: ED HOLMES & ASSOCIATES LAND SURVEYORS, P.A. 200 RIDGEFIELD COURT, SUITE 215 (828) 225-6562
2.) 2' CONTOUR INTERVAL
3.) POST INDICATING VALVES ARE REQUIRED IN LIEU OF STREET VALVES ON PRIVATE FIRE LANES
4.) ALL PROPOSED FIRE HYDRANTS LOCATED WITHIN PROPERTY BOUNDARY ARE PRIVATE
* A MINIMUM OF 10 FT. HORIZONTAL AND 18" VERTICAL SEPARATION BETWEEN WATER AND SANITARY SEWER LINES MUST BE MAINTAINED. WHERE THE SEWER LINE INSTALLATION DOES NOT CONFORM TO THIS REQUIREMENT OR HAVE A MINIMUM COVER OF 30" FROM THE GROUND SURFACE OR 24" VERTICAL SEPARATION FROM STORM DRAINAGE LINES - SEWER PIPE MUST BE OF A FERROUS MATERIAL.
DEVELOPMENT BLOCK:
NAME OF PROJECT: FLOURNOY - BILTMORE APARTMENTS
PROJECT ADDRESS: FAIRVIEW RD ASHEVILLE, NC
PROPERTY OWNER: DASHILL, LLC P.O. BOX 1870 CHARLESTON, SC 29402 (307) 413-8813
CONTACT PERSON: RYAN M. FOSTER FLOURNOY DEVELOPMENT CO. 900 BROOKSTONE CENTRE PKWY. P.O. BOX 6566 COLUMBUS, GA 31917-6566 (706) 243-9403
PIN #: 9648-80-8408 9647-89-8924
TOTAL ACREAGE: 14.02± ACRES
EXISTING ZONING: UV - URBAN VILLAGE (COA)
PROPOSED ZONING: UP(CZ) - URBAN PLACE (COA) (CONDITIONAL ZONING)
BUILDING SETBACKS: 0 - 15' FRONT 0' SIDE 0' REAR
TOTAL DISTURBED AREA: 12.9 ± ACRES
TOTAL IMPERVIOUS AREA: EXISTING: 0.06 ± ACRES PROPOSED: 8.43 ± ACRES
BUILDINGS: 309 TOTAL PROPOSED UNITS 304 APARTMENT UNITS 5 LIVE/WORK UNITS
811 Know what's below. Call before you dig.
Preliminary Not for Construction
CITY OF ASHEVILLE PROJECT NO. WPFY 13-14-052
WATER LINE EASEMENT DOCUMENT DB ___ PG ___
ESTOPPEL CERTIFICATE REQUIRED YES ___ NO X
WGLA Engineering, PLLC
Revisions
10/07/14 COA COMMENTS
1/03/14 BLDG. HGT. & PDD REV.
date: 8/27/14
job: 14135
drawn: TWT
sheet C-500
WGLA Engineering, PLLC
CONSULTING ENGINEERS & LAND PLANNERS
HENDERSONVILLE, NORTH CAROLINA
FLOURNOY - BILTMORE APARTMENTS
CITY OF ASHEVILLE
BUNCOMBE COUNTY
NORTH CAROLINA
WATER SYSTEM LAYOUT



UNITTYPES

PROPOSED CONTOURS	2120
SEWER LINE	
WATER LINE	
OVERHEAD ELECTRIC & TELECOM	
OVERHEAD ELECTRIC	
OVERHEAD TELECOM	
GAS	
CHAIN LINK FENCE	
STORM PIPE	
ADJOINER DEED LINE	
EASEMENT	
RIGHT OF WAY	
PROPOSED SEWER	
PROPOSED WATER	
PROPOSED STORM	

SYMBOLS

- FIRE HYDRANT
- UTILITY POLE W/ GUYWIRE
- SEWER MANHOLE
- LIGHT POLE
- CURB INLET (STORM)
- SEWER CLEANOUT
- STORM DRAIN MANHOLE
- TELECOM MANHOLE

LINE TABLE

	DIRECTION	LENGTH
L1	DELETED	
L2	DELETED	
L3	S78°44'07"E	12.30'
L4	S74°29'57"E	21.09'
L5	S78°44'07"E	3.11'
L6	S05°11'55"W	5.02'
L7	S03°38'48"W	10.02'
L8	N73°01'48"W	34.42'
L9	S21°37'04"E	0.07'
L10	N21°37'04"W	0.10'
L11	S56°49'13"E	0.48'
L12	S77°25'51"E	0.29'
L13	N13°08'33"W	0.88'
L14	S09°33'20"E	0.34'
L15	N75°33'55"E	3.11'
L16	S05°08'21"W	1.02'

VICINITY MAP
SCALE 1"=1,000'

NOTES:

1) THE SPECIFICATIONS AND REQUIREMENTS OF THE METROPOLITAN SEWAGE DISTRICT SUPERSEDE ALL OTHERS IN THE INSTALLATION OF THE PROPOSED EXTENSION(S).

2) MSD MAINTENANCE OF SEWER SERVICES ENDS AT THE FIRST CLEANOUT MAINTENANCE OF SERVICES BEYOND THIS POINT IS PRIVATE.

3.) ALL SEWER SERVICES SHALL BE 6" UNLESS OTHERWISE NOTED.

4.) CONTRACTOR SHALL USE DIP/CL-350 PIPING ON ALL SEWER LINES WHERE 3 FEET OF COVER IS NOT PROVIDED.

5.) PIN # 9646-80-8406 AND 9647-89-8924 ARE THE ONLY PROPERTIES AFFECTED BY THE PROPOSED SEWER LINE CONSTRUCTION.

6.) ALL SANITARY SEWER WORK IS TO BE PERFORMED BY A LICENSED NORTH CAROLINA UTILITY CONTRACTOR

7.) BENCHMARK FOR THIS PROJECT SHALL BE A PROPERTY CORNER (ON SITE) WITH ELEV. 2012.17'

8.) ALL SEWER EASEMENTS SHALL BE 20' WIDE UNLESS NOTED ON PLAN OTHERWISE.

9.) ALL PROPOSED SANITARY SEWER LINES TO BE TURNED OVER TO MSD WILL BE GRAVITY LINES.

10.) SEE THE GRADING AND EROSION CONTROL PLANS FOR ALL EROSION MEASURES RELATED TO SEWER CONSTRUCTION

11.) HORIZONTAL CONTROL IS NAD 83, VERTICAL CONTROL IS NAVD 88.

12.) NO DOGHOUSE MANHOLES ALLOWED.

13.) THE ENTIRE MSD PERMANENT SEWER EASEMENT MUST BE CLEARED AND REMAIN CLEAR OF TREE PLANTINGS & PERMANENT TYPE STRUCTURES.

DEVELOPMENT BLOCK:

NAME OF PROJECT: FLOURNOY - BILTMORE APARTMENTS

PROJECT ADDRESS: FAIRVIEW RD
ASHEVILLE, NC

PROPERTY OWNER: OABHILL, LLC
P.O. BOX 1870
CHARLESTON, SC 29402
(307) 413-5813

CONTACT PERSON: RYAN M. FOSTER
FLOURNOY DEVELOPMENT CO.
900 BROOKSTONE CENTRE PKWY.
P.O. BOX 6566
COLUMBUS, GA 31917-6566
(706) 243-9403

PIN #: 9646-80-8406
9647-89-8924

TOTAL ACREAGE: 14.02± ACRES

EXISTING ZONING: UV - URBAN VILLAGE (COA)

PROPOSED ZONING: UP(C2) - URBAN PLACE (COA) (CONDITIONAL ZONING)

BUILDING SETBACKS:
0 - 15' FRONT
0' SIDE
0' REAR

TOTAL DISTURBED AREA:
12.9 ± ACRES

TOTAL IMPERVIOUS AREA:
EXISTING: 0.06 ± ACRES
PROPOSED: 8.43 ± ACRES

BUILDINGS: 309 TOTAL PROPOSED UNITS:
304 APARTMENT UNITS
5 LIVE/WORK UNITS

NOTES:

1.) SURVEY INFORMATION PROVIDED BY:
ED HOLMES & ASSOCIATES
LAND SURVEYORS, P.A.
200 RIDGEFIELD COURT, SUITE 215
(828) 225-6562

2.) 2' CONTOUR INTERVAL

MSD PROJECT #
2014-XXX

811 Know what's below. Call before you dig.

Preliminary Not for Construction

WGLA Engineering, PLLC
Consulting Engineers & Land Planners
NC License No P-1342
814 N. King Street
Hendersonville, North Carolina 28739
(828) 697-7177
wgla.com

Revisions
10/01/14 COA Comments
11/03/14 BLDG 100 & 200 REV.

date: 8/27/14
job: 14135
drawn: TWT

WGLA Engineering, PLLC
CONSULTING ENGINEERS & LAND PLANNERS
HENDERSONVILLE, NORTH CAROLINA

FLOURNOY - BILTMORE APARTMENTS
CITY OF ASHEVILLE
BUNCOMBE COUNTY
NORTH CAROLINA

SANITARY SEWER PLAN

sheet C-600

225

226

ORDINANCE NO. 4587

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 13th day of June, 2017.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

PURPOSE: FEMA Reimbursement

Magdalen Burleson
City Clerk

CITY OF ASHEVILLE

BUDGET AMENDMENT

FISCAL YEAR	EFFECTIVE DATE
2016/17	6/13/2017

Amendment to	X Operating Capital or Grant (Special Revenue)
Purpose	Allocation of Party Rock Fire Reimbursement from the Federal Emergency Management Association's (FEMA) Fire Management Assistance grant.
Requesting Department	Asheville Fire Department

				Beginning Budget	New Budget	Increase or Decrease By
Fund	General Fund					
Revenue	Reimbursement					
Acct #	11000111	488012		0.00	23,354.00	23,354.00
	Org	Obj	Project			
Fund	General Fund					
Expend.	Compensation - Overtime					
Acct #	11000111	511004		507,956.00	531,310.00	23,354.00
	Org	Obj	Project			
Fund						
Revenue						
Acct #	00000000	000000	A000			0.00
	Org	Obj	Project			
Fund						
Expend.						
Acct #	00000000	000000	A000			0.00
	Org	Obj	Project			

BALANCE 0.00

228

ORDINANCE NO. 4588

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating Budget Ordinance be amended according to the budget amendment forms attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 13th day of June 2017.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

PURPOSE: To set up the project budget for the RADTIP Riparian Plan

Magdalen Burleson
City Clerk

CITY OF ASHEVILLE

BUDGET AMENDMENT

FISCAL YEAR	EFFECTIVE DATE
2016/17	6/13/2017

Amendment to	____ Operating X Capital or Grant (Special Revenue)
Purpose	To accept Duke Water Resources funds for Riparian Plan
Requesting Department	Community & Economic Development (Riverfront Office)

				Beginning Budget	New Budget	Increase or Decrease By
Fund	Special Revenue Fund					
Revenue	Private Participation Revenue					
Acct #	22000701	483309	Gxxxx	0.00	60,000.00	60,000.00
	Org	Obj	Project			
Fund	Special Revenue Fund					
Expend.	Professional Services					
Acct #	22000701	521002	Gxxxx	0.00	60,000.00	60,000.00
	Org	Obj	Project			

BALANCE	0.00

230

ORDINANCE NO. 4589

AN ORDINANCE ADOPTING THE ANNUAL BUDGET AND FIXING THE TAX RATE FOR THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 2017-18

WHEREAS, Article 3 of Chapter 159 of the N. C. General Statutes requires local governments in North Carolina to adopt ordinances establishing an annual budget, in accordance with procedures specified in said Article 3; and

WHEREAS, the Asheville City Council, following a public hearing as required by law has considered the proposed annual budget for the City of Asheville for the 2017-18 fiscal year;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The following anticipated revenues and authorized expenditures by fund, together with a financial plan for internal service funds, are hereby appropriated for operating City government for the fiscal year beginning July 1, 2017 and ending June 30, 2018.

GENERAL FUND

Revenues:		
Taxes – Ad Valorem	$ 62,411,285	
Other Taxes	24,255,622	
Intergov Revenue	12,968,379	
Licenses and Permits	5,706,781	
Sales and Services	11,622,358	
Investment Earnings	250,000	
Miscell Revenue	2,217,100	
Other Financing Sources	1,273,620	
Total Revenues		$ 120,705,145
Appropriations:		
Departmental Operations		$ 120,705,145

WATER RESOURCES FUND

Revenues:		
Sales and Services	$ 37,876,369	
Investment Earnings	211,052	
Miscell Revenue	46,295	
Total Revenues		$ 38,133,716
Appropriations:		
Water Resources Operations		$ 38,133,716

PARKING SERVICES FUND

Revenues:		
Sales and Services	$ 300	
Investment Earnings	5,500	
Miscell Revenue	5,601,969	
Oth Financing Sources	190,000	
Total Revenues		$ 5,797,769
Appropriations:		
Parking Services Operations		$ 5,797,769

STORMWATER FUND

Revenues:		
Licenses and Permits	$ 230,000	
Sales and Services	5,618,108	
Investment Earnings	12,000	
Miscell Revenue	12,000	
Oth Financing Sources	850,000	
Total Revenues		$ 6,722,108
Appropriations:		
Stormwater Operations		$ 6,722,108

TRANSIT SERVICES FUND

Revenues:		
Intergov Revenue	$ 3,435,430	
Licenses and Permits	360,000	
Sales and Services	810,000	
Oth Financing Sources	4,408,542	
Total Revenues		$ 9,013,972
Appropriations:		
Transit Services Operations		$ 9,013,972

US CELLULAR CENTER FUND

Revenues:		
Sales and Services	$ 2,472,300	
Investment Earnings	5,000	
Miscell Revenue	111,500	
Oth Financing Sources	1,211,468	
Total Revenues		$ 3,800,268
Appropriations:		
US Cellular Center Operations		$ 3,800,268

STREET CUT UTILITY FUND

Revenues:		
Sales and Services	$ 1,759,938	
Total Revenues		$ 1,759,938
Appropriations:		
Street Cut Operations		$ 1,759,938

HOUSING PARTNERSHIP FUND (GENERAL FUND)

Revenues:		
Miscell Revenue	$ 150,000	
Oth Financing Sources	2,500,000	
Total Revenues		$2,650,000
Appropriations:		
Housing Partnership Fund Operations		$2,650,000

SUSTAINABILITY FUND (GENERAL FUND)

Revenues:		
Oth Financing Sources	$ 515,514	
Total Revenues		$ 515,514
Appropriations:		
Sustainability Fund Operations		$ 515,514

INTERNAL SERVICES FUNDS

Revenues:		
Sales and Services	$ 18,577,431	
Investment Earnings	11,000	
Miscell Revenue	780,000	
Oth Financing Sources	126,113	
Total Revenues		$ 19,494,544
Appropriations:		
Health Insurance	$ 15,746,593	
Workers Compensation	1,556,783	
Property and Liability	2,191,168	
Total Expenditures		$ 19,494,544

CAPITAL RESERVE 2100 FUND (GENERAL FUND)

Revenues:		
Oth Financing Sources	$ 14,373,896	
Total Revenues		$ 14,373,896
Appropriations:		
Capital Reserve Fund Operations		$ 14,373,896

Section 2. All appropriations included in the following Capital Project and other multi-year project funds are approved for the financing life of each project, which may extend beyond one fiscal year.

GENERAL CAPITAL PROJECTS FUND

Revenues:		
Intergov Revenue	$ 1,914,000	
Licenses and Permits	74,000	
Sales and Services	80,000	
Miscell Revenue	480,566	
Oth Financing Sources	18,426,572	
Total Revenues		$ 20,975,138
Appropriations:		
General Capital Fund Expenditures		$ 20,975,138

WATER CAPITAL PROJECTS FUND

Revenues:		
Transfer from Water Resources Fund	$ 11,215,095	
Oth Financing Sources	40,000,000	
Total Revenues		$ 51,215,095
Appropriations:		
Water Capital Fund Expenditures		$ 51,215,095

STORMWATER CAPITAL PROJECTS FUND

Revenues:		
Transfer from Stormwater Fund	$ 1,135,500	
Oth Financing Sources	200,000	
Total Revenues		$1,335,500
Appropriations:		
Stormwater Capital Fund Expenditures		$1,335,500

PARKING CAPITAL PROJECTS FUND

Revenues:		
Transfer from Parking Operating Fund	$ 290,000	
Total Revenues		$ 290,000
Appropriations:		
Parking Capital Fund Expenditures	$ 290,000	$290,000

TRANSIT CAPITAL PROJECTS FUND

Revenues:		
Oth Financing Sources	$ 658,000	
Intergov Revenue	2,491,000	
		$ 3,149,000
Appropriations:		
Transit Capital Fund Expenditures		$ 3,149,000

US CELLULAR CENTER CAPITAL PROJECTS FUND

Revenues:		
Miscell Revenue	$ 230,000	
Oth Financing Sources	133,650	
Total Revenues		$ 363,650
Appropriations:		
US Cellular Center Capital Fund Expenditures		$ 363,650

COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUND

Revenues:		
Federal Grant FY 2017-18	$ 932,001	
Program Income FY 2017-18	339,939	
Total Revenues		$ 1,271,940
Appropriations:		
Fiscal 2016-17 CDBG Program	$ 1,271,940	
Total Appropriations		$ 1,271,940

SECTION 108 REHAB GRANT FUND

Revenues:	
Program Income	$ 67,230
Appropriations:	
Section 108 Expenditures	$ 67,230

HOME OWNERSHIP GRANT (HOME) FUND

Revenues:		
Federal Grant FY 2017-18	$ 961,627	
Program Income FY 2017-18	20,726	
Program Income FY 2016-17	27,000	
Total Revenues		$ 1,009,353
Appropriations:		
Fiscal 2016-17 HOME Program	$ 982,353	
Fiscal 2015-16 HOME Program	27,000	
Total Appropriations		$ 1,009,353

SPECIAL REVENUE GRANT FUND

Revenues:		
Intergov Revenue	244,942	
Total Revenues		$ 244,942
Appropriations:		
Continuum of Care Grant (HMIS)	$ 104,000	
Emergency Solution Grant (ESG)	113,354	
PEG Funding	27,588	
Total Appropriations		$ 244,942

Section 3. It is estimated that revenues in the amounts indicated in the foregoing schedule will be available to support the foregoing appropriations. The fees & charges, as readopted and changed on March 14, 2017 in ordinance number 4565 and amended by City Council in this ordinance, shall be set forth in a Fees and Charges Manual to be kept on file in the Office of the City Clerk.

Section 4. There is hereby levied for the fiscal year ending June 30, 2018, an Ad Valorem tax rate of $0.4289 per $100 assessed valuation of taxable property as listed on January 1, 2017 for purposes of raising the revenues from current year's property tax as set forth in the foregoing estimates of revenues and in order to finance the foregoing appropriations:

Section 5. The City Manager is authorized to amend the budget by transfer of appropriations within each fund. All amendments affecting revenues or total fund appropriations shall be approved by ordinance by the City Council, to be acted on at any regular or special meeting and approved by a simple majority of those present and voting, a quorum being present. Only one reading will be required and a public hearing or publication of notice is not necessary unless requested by Council.

Section 6. The reserve for encumbrances at June 30, 2017 and carry-over appropriations, representing prior commitments as of that date shall be re-appropriated pursuant to North Carolina General Statute 159-13, to the departments within various funds, under which expenditures may be made during fiscal year 2017-18 as the previous commitments are satisfied.

Section 7. Copies of this ordinance shall be furnished to the City Manager and Director of Finance, to be kept on file by them for their direction in the collection of revenues and expenditures of amounts appropriated.

Section 8. The Pay & Classification Plan is amended to incorporate all personnel actions such as reclassifications and pay modifications recommended by the Human Resources department and approved by the City Manager. Funding for the Plan and compensation items is included in the various departments. The amended plan will become effective with the pay cycle that ends on July 14, 2017.

Section 9. Base pay for the Mayor, Vice-Mayor and Councilmembers will range between $21,263 - $22,220, $17,646 - $18,441, and $15,621 - $16,234, respectively. Travel for official activities will be reimbursed under the same plan used for City employees.

Section 10. Should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of said ordinance shall not be affected thereby.

Section 11. That this ordinance shall be in full force and effect upon date of final passage.

Read, approved and adopted this 13th day of June, 2017.

Magdalen Burleson
City Clerk

Edwin E. Mayor
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

FY2017-18 PROPOSED ADDITIONAL FEE ADJUSTMENTS

	Current Fee	Proposed New Fee	Additional Revenue
GENERAL FUND –Development Services Department			
Permit Fee Modification for Porches	$475.00	$150.00 plus $0.30/sq ft over 500 sq ft for porches with roof, incl. screened porches, excl. sunrooms	Potential refund of $3,000 – 3,500
PARKING FUND			**$17,500**
Use of parking space for an entire day (metered)	$18.00	$22.00	
Use of parking space for an entire day (non-metered)	$0.00	$22.00	
Validation Tickets (Parking Garages)	$1.25	$1.50	

238

ORDINANCE NO. 4590

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 13th day of June, 2017.

Magdalen Bouleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

PURPOSE: Construction Agrmt with NCDOT - Fairview Road

Magdalen Bouleson
City Clerk

CITY OF ASHEVILLE

BUDGET AMENDMENT

FISCAL YEAR	EFFECTIVE DATE
2016/17	6/13/2017

Amendment to	____ Operating X Capital or Grant (Special Revenue)
Purpose	Construction Agreement with the North Carolina Department of Transportation (NCDOT)
Requesting Department	Transportation

				Beginning Budget	New Budget	Increase or Decrease By
Fund	General Capital Projects Fund					
Revenue	Charges for Services					
Acct #	41000213	450010	K1001	-	(450,000.00)	(450,000.00)
	Org	Obj	Project			
Fund	General Capital Projects Fund					
Expend.	CS Construction					
Acct #	41000213	616102	K1001	-	450,000.00	450,000.00
	Org	Obj	Project			

BALANCE	0.00

240

ORDINANCE NO. 4591

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 27th day of June, 2017.

Magdalen Bowlerson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: Civic Center Parking Deck energy efficiency improvements

Magdalen Bowlerson
City Clerk

CITY OF ASHEVILLE

BUDGET AMENDMENT

FISCAL YEAR	EFFECTIVE DATE
2016/17	6/27/2017

Amendment to	____ Operating X Capital or Grant (Special Revenue)
Purpose	Energy Efficiency Improvements to the Civic Center Parking Deck
Requesting Department	Office of Sustainability

				Beginning Budget	New Budget	Increase or Decrease By
Fund	Parking Capital Projects Fund					
Revenue	Transfer from General Fund					
Acct #	62190220	498100	T1706	0.00	100,000.00	100,000.00
	Org	Obj	Project			
Fund	Parking Capital Projects Fund					
Revenue	Transfer from Parking Operations					
Acct #	62190220	498633	T1706	0.00	55,663.00	55,663.00
	Org	Obj	Project			
Fund	Parking Capital Projects Fund					
Expend.	Contracted Services					
Acct #	62100220	521001	T1706	0.00	155,663.00	155,663.00
	Org	Obj	Project			

BALANCE 0.00

242

ORDINANCE NO. 4592

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 27th day of June, 2017.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: TIGER VI Suite of Projects

Magdalen Burleson
City Clerk

CITY OF ASHEVILLE

BUDGET AMENDMENT

2016/17	6/27/2017
FISCAL YEAR	EFFECTIVE DATE

Amendment to	____ Operating X Capital or Grant (Special Revenue)
Purpose	Construction of the TIGER VI Suite of Projects
Requesting Department	Capital Projects

				Beginning Budget	New Budget	Increase or (Decrease) By
Fund	General Capital Projects Fund					
Revenue	Interim Credit Facility					
Acct #	41000231	494171	Q1401	0.00	2,585,786.00	2,585,786.00
	Org	Obj	Project			
Fund	General Capital Projects Fund					
Revenue	Interim Credit Facility					
Acct #	41000330	494171	Q1701	26,075,078.53	28,229,292.53	2,154,214.00
	Org	Obj	Project			
Fund	General Capital Projects Fund					
Revenue	Oper Transfer from Parking Services Fund					
Acct #	41090330	498620	Q1701	0.00	310,000.00	310,000.00
	Org	Obj	Project			
Fund	General Capital Projects Fund					
Revenue	Oper Transfer from Stormwater Fund					
Acct #	41090330	498624	Q1701	0.00	650,000.00	650,000.00
	Org	Obj	Project			
Fund	General Capital Projects Fund					
Revenue	Restrictd Intergv State Grants					
Acct #	41000330	436000	Q1701	350,000.00	650,000.00	300,000.00
	Org	Obj	Project			
Fund	General Capital Projects Fund					
Expend.	Right of Way					
Acct #	41000231	618103	Q1401	9,214,214.02	11,800,000.02	2,585,786.00
	Org	Obj	Project			
Fund	General Capital Projects Fund					
Expend.	Professional Services					
Acct #	41000330	521002	Q1701	1,349,734.99	1,860,460.64	510,725.65
	Org	Obj	Project			
Fund	General Capital Projects Fund					
Expend.	Services - Outside Printing					
Acct #	41000330	521007	Q1701	0.00	5,500.00	5,500.00
	Org	Obj	Project			
Fund	General Capital Projects Fund					
Expend.	Professional Services Contingency					
Acct #	41000330	521025	Q1701	0.00	93,450.35	93,450.35
	Org	Obj	Project			
Fund	General Capital Projects Fund					
Expend.	Utility Relocation					
Acct #	41000330	522010	Q1701	4,874,317.40	5,198,971.40	324,654.00
	Org	Obj	Project			
Fund	General Capital Projects Fund					
Expend.	Contracted Services					
Acct #	41000330	521001	Q1701	28,090,912.00	28,323,523.04	232,611.04
	Org	Obj	Project			
Fund	General Capital Projects Fund					
Expend.	Construction Contingency					
Acct #	41000330	616103	Q1701	0.00	2,247,272.96	2,247,272.96
	Org	Obj	Project			
					BALANCE	0.00

244

ORDINANCE NO. 4593

ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY OF ASHEVILLE, NORTH CAROLINA, BY ANNEXING A CONTIGUOUS AREA LOCATED AT 421 AIRPORT ROAD

WHEREAS, the Asheville City Council has been petitioned under N.C. Gen. Stat. Sec. 160A-31, to annex the area described herein; and

WHEREAS, the City Clerk has certified the sufficiency of the petition and a public hearing on the question of this annexation was held in the Council Chamber of the City Building at 5:00 p.m. on the 27th day of June, 2017 after due notice by publication on the 16th day of June, 2017; and

WHEREAS, the Asheville City Council does hereby find as fact that the petition meets the requirements of N.C. Gen. Stat. Sec. 160A-31 and N.C. General Assembly Session Law 2005-139;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE, THAT:

Section 1. By virtue of the authority granted by N.C. Gen. Stat. Sec. 160A-31, the following described territory is hereby annexed and made part of the City of Asheville, as of the 27th day of June 2017. The property is more particularly described as follows:

BEING all of Lot 1-A, containing 1.26 acres, as shown on the subdivision plat for Magnolia Shopping Center, recorded in Plat Book 160 at Page 141 in the Buncombe County Public Registry, reference to which is hereby made for a more particular description.

Section 2. From and after the 27th day of June 2017, the above-described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Asheville and shall be entitled to the same privileges and benefits as other parts of the City of Asheville. Said territory shall be subject to municipal taxes according to N.C. Gen. Stat. Sec. 160A-31 and 160A-58.10.

Section 3. The Mayor of the City of Asheville shall cause to be recorded in the office of the Register of Deeds of Buncombe County, and in the office of the Secretary of State in Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the Buncombe County Board of Elections, as required by N.C. Gen. Stat. Sec. 163-288.1.

Read, approved, and adopted this 27th day of June 2017.

Magdalen Bowlerson
City Clerk

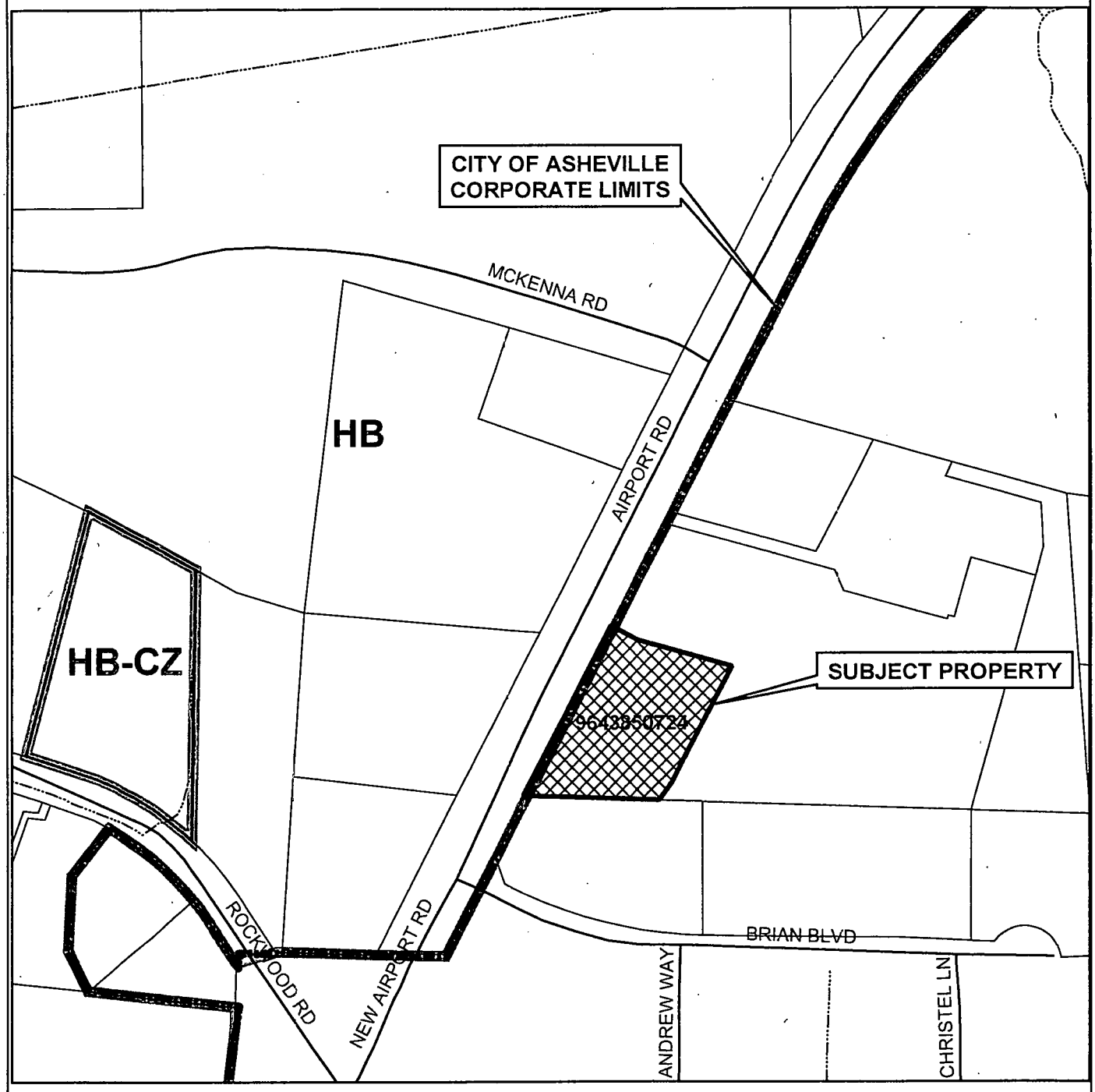
Mayor

Approved as to form:

City Attorney

Magdalen Bowlerson
City Clerk

Exhibit C Map
Petition for Voluntary Annexation - 421 Airport Rd.



Project Site
Parcels
Zoning Districts
Asheville City Limits
Streets
Streams

Project Description: Petition for Voluntary Annexation
Petitioner(s): MPG Kernersville LLC
(T. Martin Fridy)
Parcel ID Number(s): 9643-85-0724
Location/Address: 421 Airport Rd.

ORDINANCE NO. 4594

ORDINANCE ESTABLISHING CONDITIONAL ZONING FOR PROPERTY LOCATED AT 28 FORSYTHE STREET

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statues, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this proposed amendment is consistent with the City's 2025 Comprehensive Plan, Smart Growth policies, and other official plans of the City and is determined to be to be reasonable and in the public interest for the following reasons:

a) Provides infill housing;
b) Supports the adaptive reuse of abandoned structures; and
c) Resolves an existing property line issue.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

The zoning classification of that certain real property described in Exhibit A and identified on Buncombe County tax maps as PIN 9649-24-2315, recorded in Deed Book 4170, Page 1672 and currently owned by Ellen and Mary Ellen Bethel from Residential Multi-Family High Density Conditional Use Zone (RM16-CUZ) to Residential Multi-Family High Density Conditional Zone (RM16-CZ). A copy of the official zoning map showing said lots is attached hereto as Exhibit "A" and made a part hereof. Said rezoning is subject to the conditions set out in Exhibit "B.1", attached hereto and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity

of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. The ordinances shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 5: That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 27th day of June, 2017.

Magdalen Bowlesson
City Clerk

Mayor

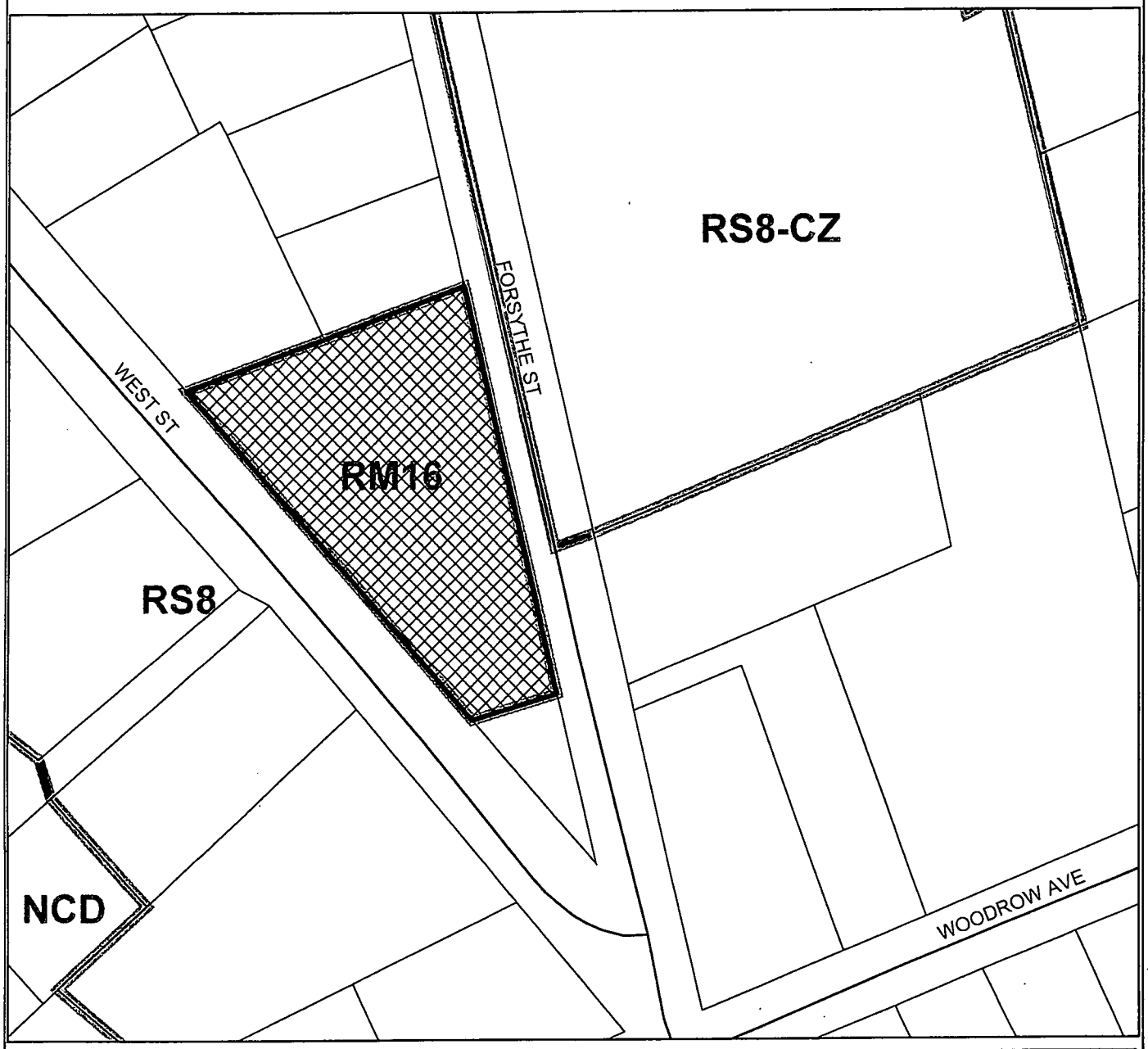
Approved as to form:

City Attorney

Magdalen Bowlesson
City Clerk

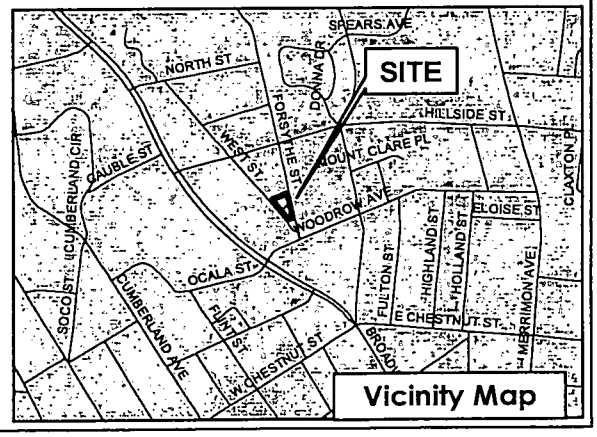
247

City of Asheville - Exhibit A Map
Conditional Zoning - 28 Forsythe St.



Project Name: 28 Forsythe St.
Project Number: 17 - 02899 PZ
Project Description: Conditional Zoning
Petitioner(s): Mildred Lyon
Parcel ID Number(s): 9649-24-2315

Location/Address: 28 Forsythe St.



Project Site
Parcels
Zoning Districts
Asheville City Limits
Streets
Streams

City of Asheville Planning and Development Department - March 2016

28 Forsythe St.– Multifamily Development

Exhibit B.1 – Conditions List

1. The zoning for the site is Residential Multi-family high density – Conditional Zone (RM16-CZ).

2. There shall be four residential units contained within the existing building.

3. Existing open space shall be screened from view with landscaping, fencing or a combination of the two.

4. Pedestrian access to the property shall be maintained on both Forsythe St. and West St.

5. The existing driveways on West St. shall be maintained.

6. The side setback shall be 4.5-5.0 feet along the north side of the multi-family building.

7. Space adequate to support up to seven off-street parking spaces shall be preserved.

8. The site and exterior of the building shall be maintained in substantially the same form as currently exists and documented in the photos attached hereto. Any major deviations from current conditions will result in reconsideration of the project by the reviewing boards.

249

ORDINANCE NO. 4595

ORDINANCE AMENDING CHAPTER 11 OF THE CODE OF ORDINANCES TO ALLOW THE SALE OF MALT BEVERAGES, UNFORTIFIED WINE, FORTIFIED WINE, AND MIXED BEVERAGES ON SUNDAYS BEGINNING AT 10:00 A.M.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. Pursuant to the authority granted to cities by G.S. §160A-205.3, Article I of Chapter 11 of the Code of Ordinances of the City of Asheville be amended as follows:

(a) Section 11-20 is added to read:

"Sec. 11-20 Sale of Malt Beverages, Unfortified Wine, Fortified Wine, and Mixed Beverages on Sunday Mornings.

The sale of malt beverages, unfortified wine, fortified wine, and mixed beverages shall be allowed within the corporate limits of the City beginning at 10:00 a.m. on Sundays pursuant to the licensed premises' permit issued under G.S. 18B-1001."

Section 2. This ordinance is not intended to modify or repeal any other ordinance, rule, regulation or other provision of law. The requirements of this ordinance are in addition to the requirements of any other ordinance, rule, regulation or other provision of law.

Section 3. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

Section 4. All ordinances and clauses of ordinances in conflict herewith be and are hereby repealed, to the extent of such conflict.

Section 5. The provisions of this ordinance shall be in full force and effect upon adoption.

Read, approved and adopted this the 25th day of July, 2017.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

ORDINANCE NO. 4596

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 25th day of July, 2017.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

PURPOSE: Public/private partnership agreement with the developer/owner of 150 Coxe Avenue (Conabeer Ventures, LLC), for the paving operation within the public right of way along Banks Avenue and restoration of Collier Avenue boarding 150 Coxe Avenue.

Magdalen Burleson
City Clerk

251

CITY OF ASHEVILLE

BUDGET AMENDMENT

FISCAL YEAR	EFFECTIVE DATE
2017/18	7/25/2017

Amendment to	____ Operating X Capital or Grant (Special Revenue)
Purpose	Public/private partnership with developer/owner of 150 Coxe Ave (Conabeer Ventures, LLC) for paving public right-of-way along Banks Ave and restoring Collier Ave bordering 150 Coxe
Requesting Department	Public Works

				Beginning Budget	New Budget	Increase or Decrease By
Fund	General Capital Projects Fund					
Revenue	Sales & Services					
Acct #	41003002	450000	K1701	0.00	32,660.00	32,660.00
	Org	Obj	Project			
Fund	General Capital Projects Fund					
Expend.	Infrastructure					
Acct #	41003002	615101	K1701	0.00	32,660.00	32,660.00
	Org	Obj	Project			

BALANCE 0.00

ORDINANCE NO. 4597

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 25th day of July, 2017.

Magdalen Bouleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

PURPOSE: Transit Operations and Maintenance Contract

Magdalen Bouleson
City Clerk

253

CITY OF ASHEVILLE

BUDGET AMENDMENT

FISCAL YEAR	EFFECTIVE DATE
2017/18	7/25/2017

Amendment to	X Operating ____ Capital or Grant (Special Revenue)
Purpose	To enter into an agreement with McDonald Transit for operations and maintenance of the Asheville transit system (ART)
Requesting Department	Transportation

				Beginning Budget	New Budget	Increase or Decrease By
Fund	General					
Revenue	Appropriated Fund Balance					
Acct #	11000032	499101		0.00	441,000.00	441,000.00
	Org	Obj	Project			
Fund	General					
Expend.	Transfer to Transit Fund					
Acct #	11090060	800650		3,791,667.00	4,232,667.00	441,000.00
	Org	Obj	Project			
Fund	Transit					
Revenue	Transfer from General Fund					
Acct #	65090951	498100		3,791,667.00	4,232,667.00	441,000.00
	Org	Obj	Project			
Fund	Transit					
Expend.	Transit Operations Charge					
Acct #	65000951	521015		6,077,282.00	6,518,282.00	441,000.00
	Org	Obj	Project			

BALANCE	0.00

ORDINANCE NO. 4598

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 25th day of July, 2017.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

PURPOSE: Budget amendment in the amount of $25,000 to establish the operating budget for the Healthy Out-of-School Time Grant funded by the National Recreation and Parks Association and the Walmart Foundation.

Magdalen Burleson
City Clerk

255

CITY OF ASHEVILLE

BUDGET AMENDMENT

FISCAL YEAR	EFFECTIVE DATE
2017/18	7/25/2017

Amendment to	____ Operating X Capital or Grant (Special Revenue)
Purpose	Acceptance of a grant from the National Parks and Recreation Association (NPRA) and the Walmart Foundation for the Healthy Out-of-School Time Grant
Requesting Department	Parks & Recreation

				Beginning Budget	New Budget	Increase or Decrease By
Fund	Grant Fund					
Revenue	Restricted Intergov Federal Grants					
Acct #	22000805	435000	R1802	0.00	25,000.00	25,000.00
	Org	Obj	Project			
Fund	Grant Fund					
Expend.	Training					
Acct #	22000805	523001	R1802	0.00	1,200.00	1,200.00
	Org	Obj	Project			
Fund	Grant Fund					
Expend.	Materials					
Acct #	22000805	524101	R1802	0.00	15,000.00	15,000.00
	Org	Obj	Project			
Fund	Grant Fund					
Expend.	Supplies - Other					
Acct #	22000805	524001	R1802	0.00	8,800.00	8,800.00
	Org	Obj	Project			

BALANCE 0.00

ORDINANCE NO. 4599

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 25th day of July, 2017.

Magdalen Bowleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

PURPOSE: Public/private partnership agreement with MHG Tower LLC for paving within the public right-of-way of College Street

Magdalen Bowleson
City Clerk

257

CITY OF ASHEVILLE

BUDGET AMENDMENT

FISCAL YEAR	EFFECTIVE DATE
2017/18	7/25/2017

Amendment to	____ Operating X Capital or Grant (Special Revenue)
Purpose	Public/private partnership with developer/owner of 10 Broadway (MHG Tower, LLC) for paving public right-of-way along College Street
Requesting Department	Public Works

				Beginning Budget	New Budget	Increase or Decrease By
Fund	General Capital Projects Fund					
Revenue	Sales & Services					
Acct #	41003002	450000	K1701	0.00	14,304.00	14,304.00
	Org	Obj	Project			
Fund	General Capital Projects Fund					
Expend.	Infrastructure					
Acct #	41003002	615101	K1701	0.00	14,304.00	14,304.00
	Org	Obj	Project			

BALANCE 0.00

ORDINANCE NO. 4600

ORDINANCE ESTABLISHING CONDITIONAL ZONING FOR PROPERTY LOCATED AT 39 GERBER ROAD

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statues, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this proposed amendment is consistent with the City's 2025 Comprehensive Plan, Smart Growth policies, and other official plans of the City and is determined to be to be reasonable and in the public interest for the following reasons:

a) Supports moderately scaled commercial development near a commercial highway corridor; and
b) Engages community partners in the design for the site.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

The zoning classification of that certain real property described in Exhibit A and identified on Buncombe County tax maps as PIN 9655-26-2216, recorded in Deed Book 4944, Page 139 and currently owned by Asheville Gerber LLC from Community Business II Zone (CBII) to Highway Business Conditional Zone (HB-CZ). A copy of the official zoning map showing said lots is attached hereto as Exhibit "A" and made a part hereof. Said rezoning is subject to the conditions set out in Exhibit "B.1", and substantially complies with the site plans shown in Exhibit "C", both attached hereto and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity

of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. The ordinances shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 5. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 25th day of July, 2017.

Magdalen Burleson
City Clerk

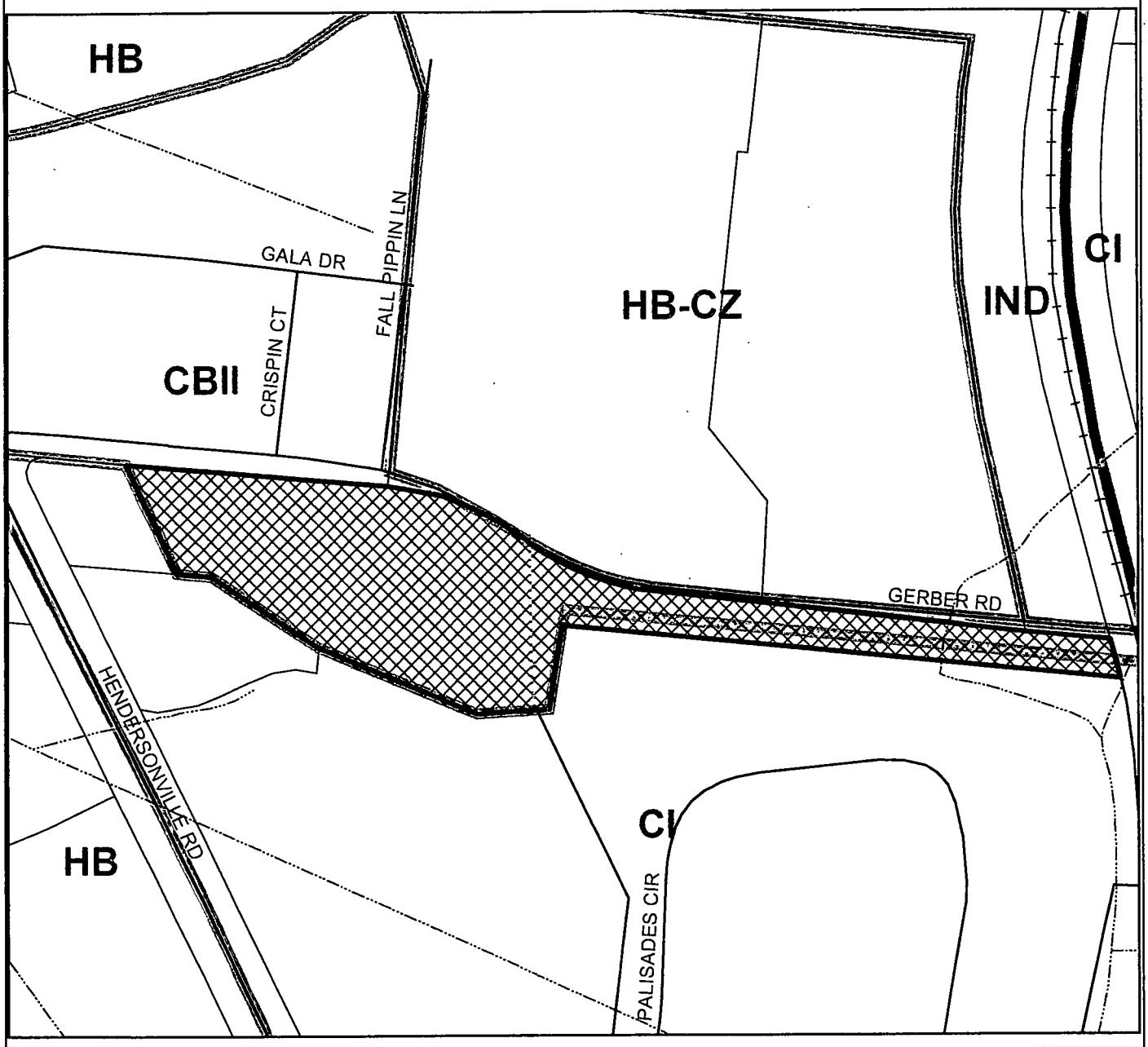
Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

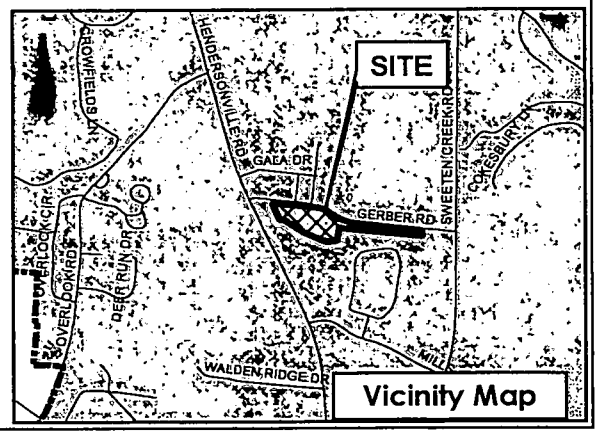
Magdalen Burleson
City Clerk

City of Asheville - Exhibit A Map
Conditional Zoning - 39 Gerber Rd.



Project Name: 39 Gerber Rd.
Project Number: 17 - 03329 PZ
Project Description: Conditional Zoning
Petitioner(s): Hobert Orton
Parcel ID Number(s): 9655-26-2216

Location/Address: 39 Gerber Rd.



Project Site
Parcels
Zoning Districts
Asheville City Limits
Streets
Streams

261

39 Gerber Rd. (Gerber Storage & Service) – Commercial Self-storage Facility

Exhibit B.1 – Conditions List

1. The zoning for the site is Highway Business – Conditional Zone (HB-CZ).

2. There shall be a single 85,000 square foot, three-story building with a single door with awning on Gerber Rd. and other entrances in conformance with the building elevations and site plan.

3. The height of the structure shall not exceed 38 feet measured from the top of the parapet to the finished grade in conformance with the building elevations.

4. The proposed building shall contain a maximum 900 square foot office located at the ground level, and a maximum 675 storage units.

5. The proposed storage facility shall be setback a minimum of 20 feet from the road right-of-way.

6. Required landscaping includes street trees, building impact, and parking lot landscaping, along with dumpster screening in conformance with the site plan.

7. The project will provide open space in excess of the minimum 15% (0.31 acres) which includes natural areas and a passive park area.

8. The open space located on the west end of the property shall be open to the public but privately owned and maintained, and may be closed to the public at such times as City of Asheville Park facilities are closed. The area shall contain a meandering walking path and park bench, and natural features such as trees, shrubs, or a pollinator meadow, as shown on the illustrative site plan.

9. A minimum six foot sidewalk shall be located along Gerber Rd. in conformance with the site plan.

10. A handicap accessible sidewalk connection will be installed on the existing crosswalk on Gerber Road near the project western driveway entrance. Pedestrian Crossing signage will be installed in accordance with City of Asheville standards.

11. Internal sidewalks and a pedestrian connection to the retail center to the south shall be constructed in conformance with the site plan.

12. On-site surface parking shall be provided to meet the minimum off-street parking requirements of the development.

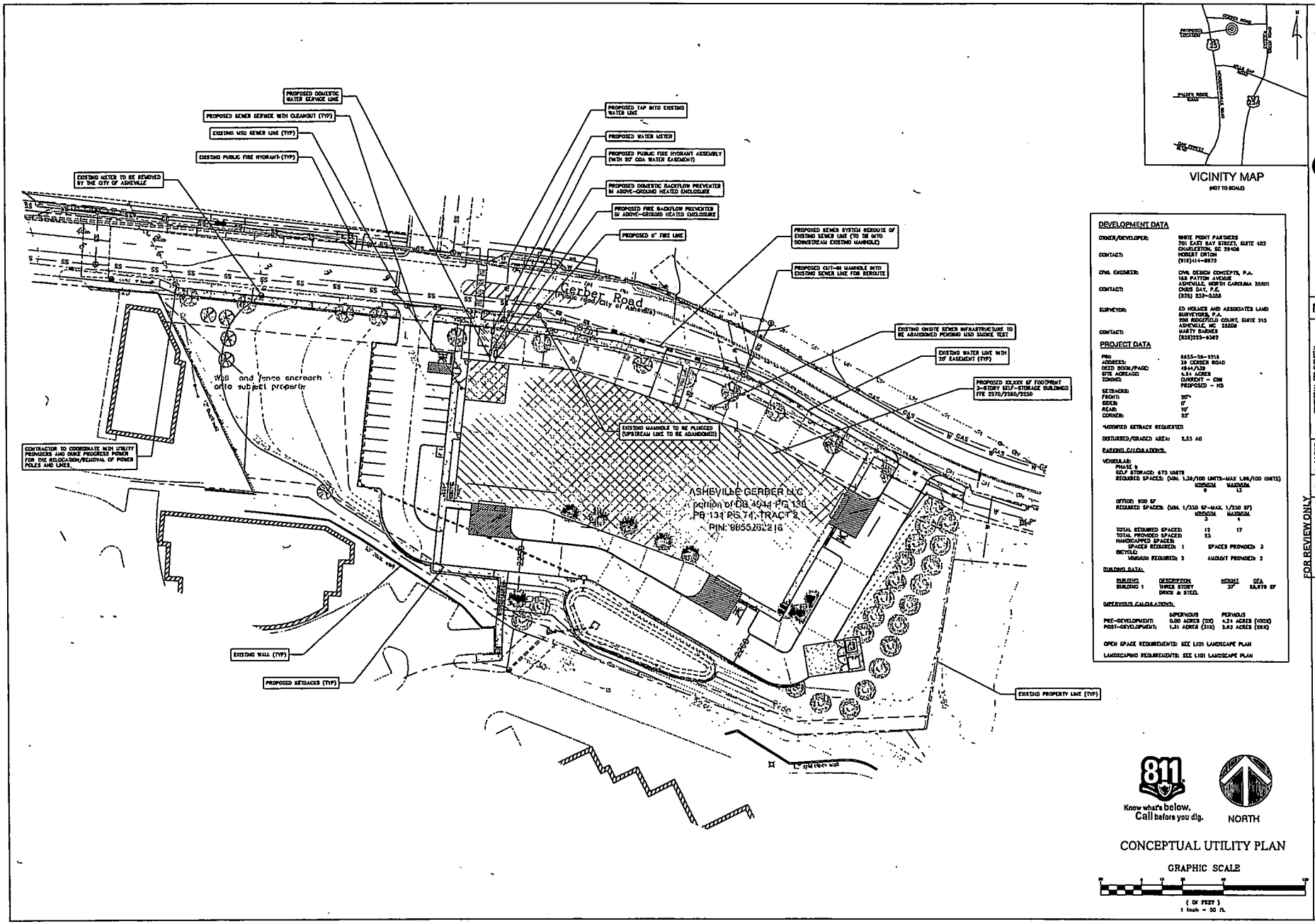
13. All windows shall be real windows except in instances where the window falls across a floor plate.

14. Internally illuminated signage shall be limited to the west side (facing Hendersonville Rd.) of the building.

15. Free-standing business identification signage shall be limited to no more than 50 square feet and no taller than 12 feet.

16. The site and building design, construction materials, orientation and layout must substantially comply with the site plan and building elevations (attached hereto) and incorporated by reference. Any major deviations from these plans will result in reconsideration of the project by the reviewing boards.

263



VICINITY MAP
(NOT TO SCALE)

DEVELOPMENT DATA

OWNER/DEVELOPER: WHITE POINT PARTNERS
701 EAST BAY STREET, SUITE 403
CHARLESTON, SC 29406
CONTACT: ROBERT ORION
(919)414-8572

CIVIL ENGINEER: CIVIL DESIGN CONCEPTS, P.A.
168 PATTON AVENUE
ASHEVILLE, NORTH CAROLINA 28801
CONTACT: CHRIS DAY, P.E.
(828) 253-5158

SURVEYOR: ED HOLMES AND ASSOCIATES LAND SURVEYORS, P.A.
200 RIDGEFIELD COURT, SUITE 215
ASHEVILLE, NC 28806
CONTACT: MARTY BARNES
(828)225-6582

PROJECT DATA

PIN: 9655-26-1716
ADDRESS: 18 GERBER ROAD
DEED BOOK/PAGE: 4944/139
SITE ACREAGE: 4.54 ACRES
ZONING: CURRENT - CBI
PROPOSED - HS

SETBACKS:
FRONT: 30'*
SIDE: 0'
REAR: 10'
CORNER: 25'

*MODIFIED SETBACK REQUESTED

DISTURBED/GRADED AREA: 2.53 AC

PARKING CALCULATIONS:

VEHICULAR:
PHASE 1
SELF STORAGE: 475 UNITS
REQUIRED SPACES: (MIN. 1.30/100 UNITS-MAX 1.86/100 UNITS)

	MINIMUM	MAXIMUM
	9	13

OFFICE: 900 SF
REQUIRED SPACES: (MIN. 1/350 SF-MAX 1/250 SF)

	MINIMUM	MAXIMUM
	3	4

TOTAL REQUIRED SPACES:	12	17
TOTAL PROVIDED SPACES:	25	

HANDICAPPED SPACES:
SPACES REQUIRED: 1 SPACES PROVIDED: 3

BICYCLE:
MINIMUM REQUIRED: 2 AMOUNT PROVIDED: 2

BUILDING DATA:

BUILDING	DESCRIPTION	HEIGHT	GFA
BUILDING 1	THREE STORY BRICK & STEEL	37'	58,979 SF

IMPERVIOUS CALCULATIONS:

	IMPERVIOUS	PERVIOUS
PRE-DEVELOPMENT:	0.00 ACRES (0%)	4.54 ACRES (100%)
POST-DEVELOPMENT:	1.31 ACRES (31%)	3.23 ACRES (69%)

OPEN SPACE REQUIREMENTS: SEE L101 LANDSCAPE PLAN

LANDSCAPING REQUIREMENTS: SEE L101 LANDSCAPE PLAN

CONCEPTUAL UTILITY PLAN

NO.	DATE	DESCRIPTION	BY
1	04/23/2021	CONCEPTUAL TRC SUBMITTAL	CDB
2	05/21/2021	P & Z SUBMITTAL	CDP

FOR REVIEW ONLY

PRELIMINARY NOT FOR CONSTRUCTION

CDC Civil Design Concepts, PA
168 PATTON AVENUE ASHEVILLE, NC 28801 PHONE (828) 253-5158 FAX (828) 258-0420
20 WALLACE STREET - SUITE B WAYNESVILLE, NC 28786 PHONE (828) 456-8422 FAX (828) 456-8423
www.civildesignconcepts.com
NORTH CAROLINA LICENSE # C-1634

CONCEPTUAL UTILITY PLAN FOR:

GERBER SERVICE & STORAGE

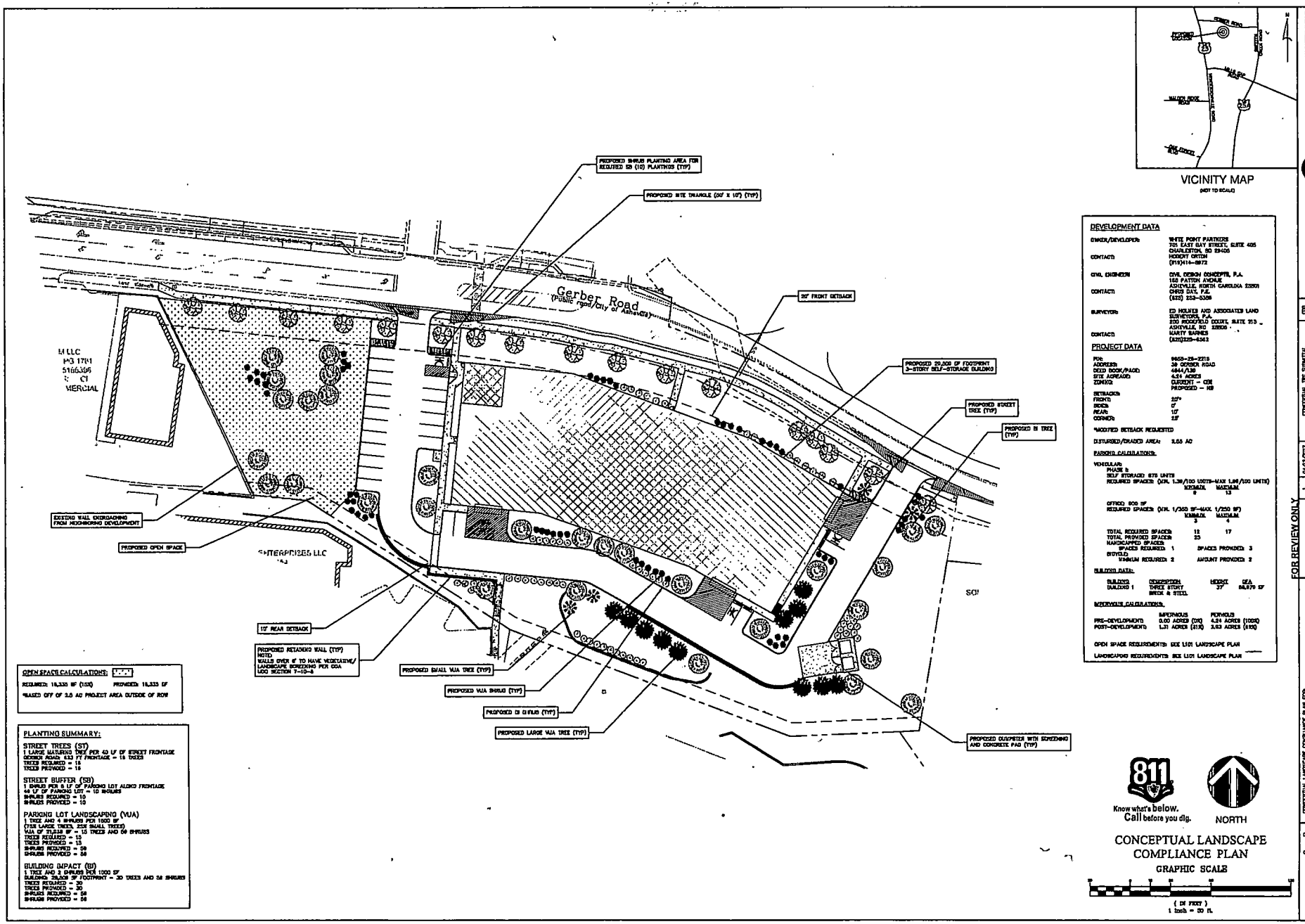
WHITE POINT PARTNERS - ASHEVILLE, NORTH CAROLINA

DRAWN BY: CDB
CDC PROJECT NO.: 11705

SHEET

C601

264



DEVELOPMENT DATA

OWNER/DEVELOPER:	WHITE POINT PARTNERS 705 EAST BAY STREET, SUITE 405 CHARLESTON, SC 29405
CONTACT:	ROBERT ORTON (843)414-8972
CIVIL ENGINEER:	CIVIL DESIGN CONCEPTS, P.A. 155 PATTON AVENUE ASHEVILLE, NORTH CAROLINA 28801
CONTACT:	CHRIS DAY, P.E. (828) 252-5308
SURVEYOR:	ED HOLMES AND ASSOCIATES LAND SURVEYORS, P.A. 220 WOODFIELD COURT, SUITE 213 ASHEVILLE, NC 28806 MARTY BARNES (828)225-6363
CONTACT:	

PROJECT DATA

PIN:	9652-25-2215
ADDRESS:	38 GERBER ROAD
DEED BOOK/PAGE:	4844/138
SITE AGREAGE:	4.24 ACRES
ZONING:	CURRENT - CDI PROPOSED - HB
SETBACKS:	
FRONT:	20'*
SIDES:	0'
REAR:	10'
CORNER:	20'

*MODIFIED SETBACK REQUESTED

DISTURBED/GRADED AREA: 3.55 AC

PARKING CALCULATIONS:

VEHICULAR:
PHASE 1:
SELF STORAGE 872 UNITS
REQUIRED SPACES: (MIN. 1.38/100 UNITS-MAX 1.88/100 UNITS)

MINIMUM	MAXIMUM
8	13

OFFICE 800 SF
REQUIRED SPACES: (MIN. 1/350 SF-MAX. 1/250 SF)

MINIMUM	MAXIMUM
3	4

TOTAL REQUIRED SPACES:	11	17
TOTAL PROVIDED SPACES:	23	
HANDICAPPED SPACES: SPACES REQUIRED: 1	SPACES PROVIDED: 3	
BICYCLE: MINIMUM REQUIRED: 2	AMOUNT PROVIDED: 2	

BUILDING DATA:

BUILDING	DESCRIPTION	HEIGHT	AREA
BUILDING 1	THREE STORY BRICK & STEEL	37'	84,870 SF

IMPERVIOUS CALCULATIONS:

	IMPERVIOUS	PERVIOUS
PRE-DEVELOPMENT:	0.00 ACRES (0%)	4.24 ACRES (100%)
POST-DEVELOPMENT:	1.31 ACRES (31%)	2.93 ACRES (69%)

OPEN SPACE REQUIREMENTS: SEE L101 LANDSCAPE PLAN

LANDSCAPING REQUIREMENTS: SEE L101 LANDSCAPE PLAN

OPEN SPACE CALCULATIONS:

REQUIRED: 16,335 SF (15%) PROVIDED: 16,335 SF

*BASED OFF OF 2.5 AC PROJECT AREA OUTSIDE OF ROW

PLANTING SUMMARY:

STREET TREES (ST)
1 LARGE MATURING TREE PER 40 LF OF STREET FRONTAGE
GERBER ROAD: 633 FT FRONTAGE = 15 TREES
TREES REQUIRED = 15
TREES PROVIDED = 15

STREET BUFFER (SB)
1 SHRUB PER 5 LF OF PARKING LOT ALONG FRONTAGE
44 LF OF PARKING LOT = 10 SHRUBS
SHRUBS REQUIRED = 10
SHRUBS PROVIDED = 10

PARKING LOT LANDSCAPING (VUA)
1 TREE AND 4 SHRUBS PER 1000 SF
(7)SM LARGE TREES, 2)SM SMALL TREES)
VUA OF 21,818 SF = 13 TREES AND 56 SHRUBS
TREES REQUIRED = 13
TREES PROVIDED = 13
SHRUBS REQUIRED = 56
SHRUBS PROVIDED = 56

BUILDING IMPACT (BI)
1 TREE AND 3 SHRUBS PER 1000 SF
BUILDING 29,808 SF FOOTPRINT = 30 TREES AND 56 SHRUBS
TREES REQUIRED = 30
TREES PROVIDED = 30
SHRUBS REQUIRED = 56
SHRUBS PROVIDED = 56

FOR REVIEW ONLY

PRELIMINARY NOT RELEASED FOR CONSTRUCTION

NO.	DATE	DESCRIPTION	CDD
1.	10/13/2017	CONCEPTUAL TRC SUBMITTAL	CDD
2.	03/14/2017	P & Z SUBMITTAL	KCP

CDC Civil Design Concepts, P.A.
155 PATTON AVENUE ASHEVILLE, NC 28801 PHONE (828) 252-5308 FAX (828) 252-5322
23 WALNUT STREET, SUITE 1 WAYNESVILLE, NC 28786 PHONE (828) 452-4115 FAX (828) 452-4116
www.civildesignconcepts.com
NORTH CAROLINA LICENSE #: C-0784

CONCEPTUAL LANDSCAPE COMPLIANCE PLAN FOR:

GERBER SERVICE & STORAGE

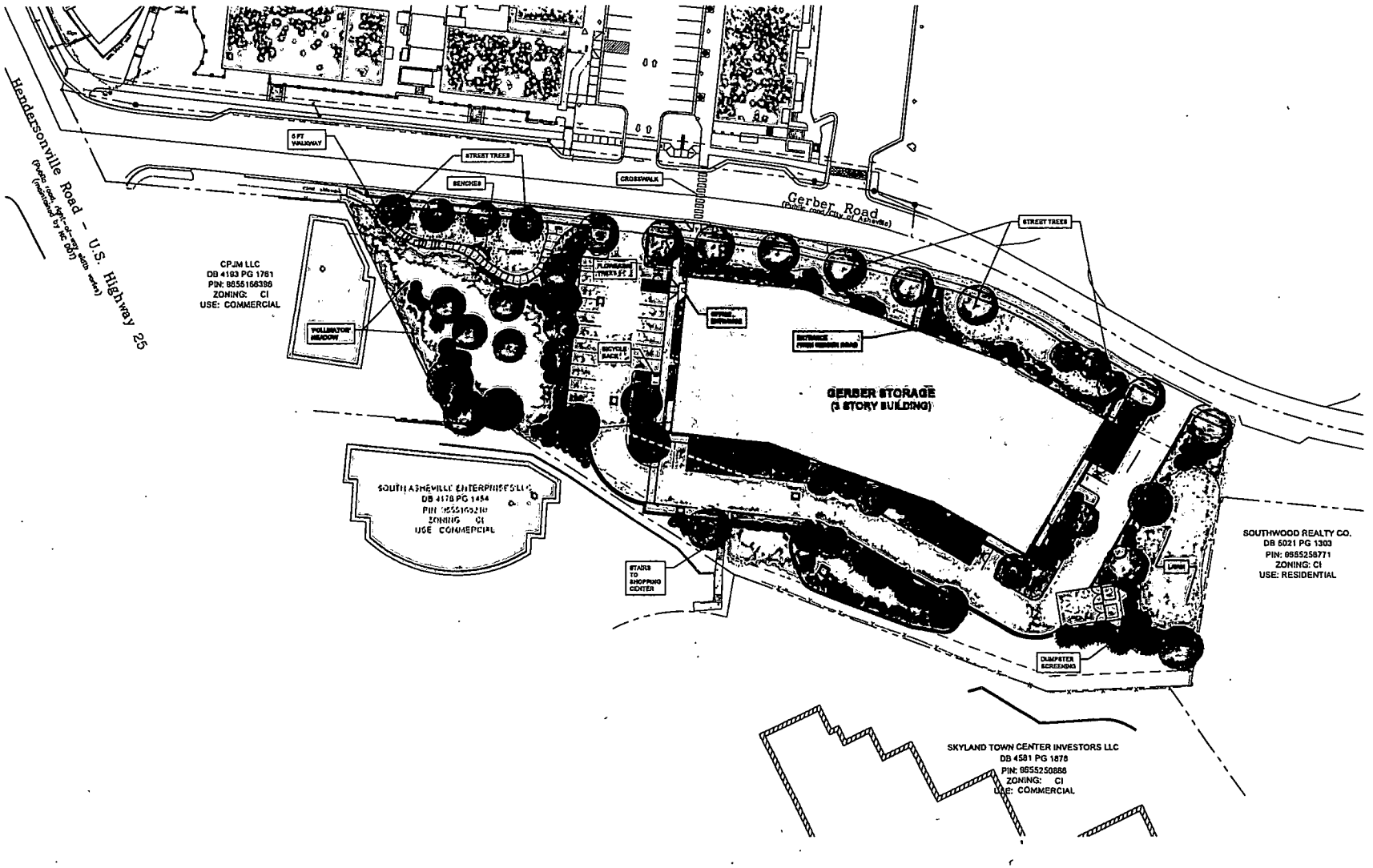
WHITE POINT PARTNERS - ASHEVILLE, NORTH CAROLINA

DRAWN BY: CDD

CDC PROJECT NO.: 11703

SHEET

L101



GERBER STORAGE

0 15' 30' 60' [redacted] 120'

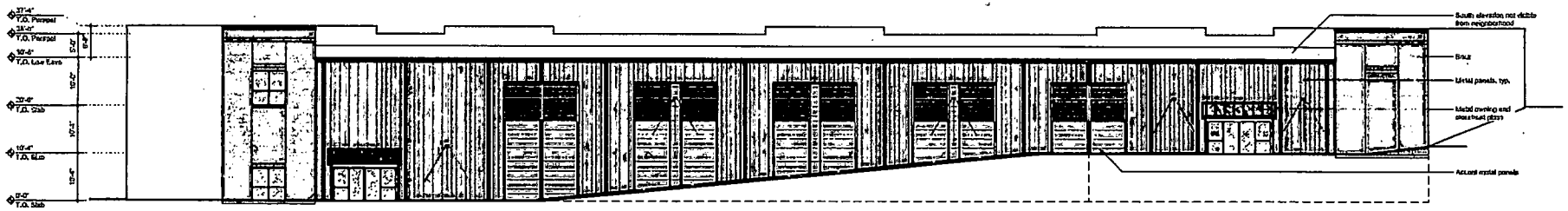
ILLUSTRATIVE SITE PLAN

ASH[redacted]C

[redacted]

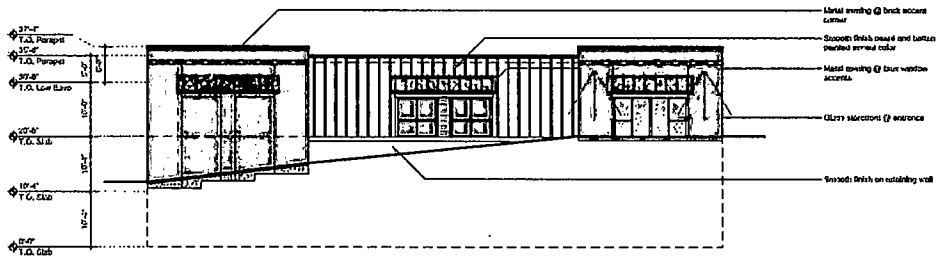
sitework STUDIOS

JULY 10, 2017



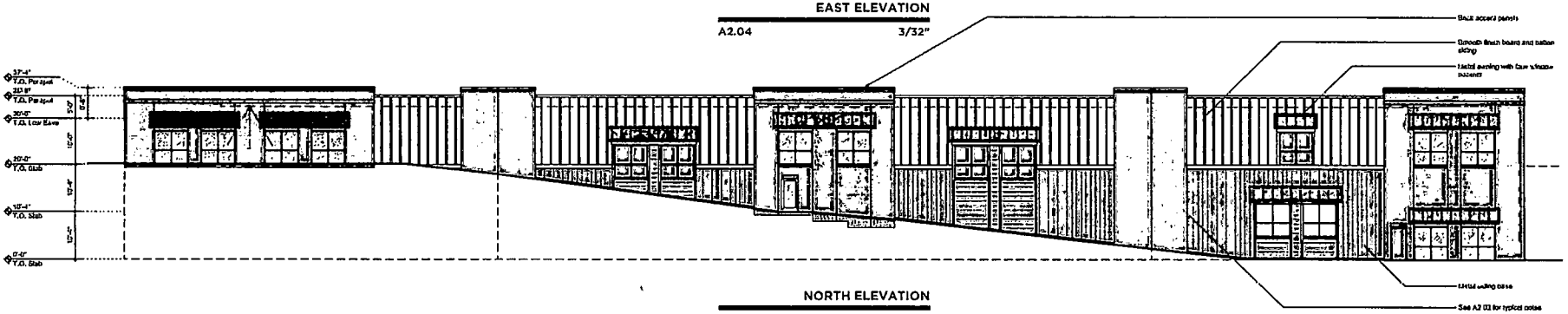
SOUTH ELEVATION

A2.02 3/32"



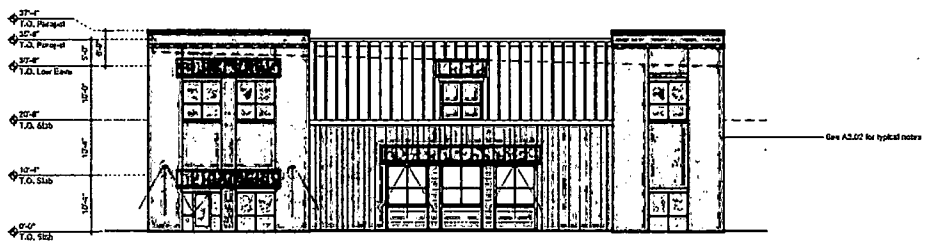
EAST ELEVATION

A2.04 3/32"



NORTH ELEVATION

A2.06 3/32"



WEST ELEVATION

A2.08 3/32"

COTHRAN HARRIS ARCHITECTURE

GERBER ROAD SELF STORAGE

38 GERBER ROAD ASHEVILLE, NC 28803

BUILDING ELEVATIONS

SCHEMATIC DESIGN MAY 28, 2021

A2.1

272

267

ORDINANCE NO. 4601

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 25th day of July, 2017.

Magdalen Bourleson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: Accept grant from NC Dept of Agriculture and Consumer Services to assist in performing a gap analysis for City's Urban Forest Program.

Magdalen Bourleson
City Clerk

CITY OF ASHEVILLE

BUDGET AMENDMENT

FISCAL YEAR	EFFECTIVE DATE
2016/17	7/25/2017

Amendment to	X Operating ____ Capital or Grant (Special Revenue)
Purpose	To accept a grant from the North Carolina Department of Agriculture and Consumer Services to assist in performing a gap analysis for the City's Urban Forest program
Requesting Department	Public Works

				Beginning Budget	New Budget	Increase or Decrease By
Fund	General Fund					
Revenue	State Grant					
Acct #	11003004	4xxxxx		0.00	6,000.00	6,000.00
	Org	Obj	Project			
Fund	General Fund					
Expend.	Professional Services					
Acct #	11003004	521002		25,000.00	31,000.00	6,000.00
	Org	Obj	Project			

BALANCE 0.00

269

ORDINANCE NO. 4602

ORDINANCE AMENDING A PREVIOUSLY APPROVED CONDITIONAL ZONING (no. 4414) FOR PROPERTY(S) LOCATED AT ROBERTS STREET, CLINGMAN AVENUE EXTENSION AND PARK AVENUE (NORTH)

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statues, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this proposed amendment is consistent with the City's 2025 Comprehensive Plan, Smart Growth policies, and other official plans of the City for the reasons set out in the Staff Report, which is hereby adopted and incorporated by reference; and

WHEREAS, this development proposal is an amendment to a previously approved conditional zoning recorded as Ordinance 4548; and

WHEREAS, this proposed ordinance is determined to be reasonable and in the public interest as follows:

a. The proposal supports the strategies found in the City's comprehensive plan on encouraging mixed-use development, especially in areas walkable to downtown and proximate to transit;
b. The proposal supports the goal found in the City's comprehensive plan of pursuing more intense infill development where appropriate; and
c. The design and uses create a pedestrian-oriented streetscape along Roberts Street and part of Clingman Avenue Extension.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

The zoning classification of that certain real property described in Exhibit A and identified on Buncombe County tax maps as PINs 9648.07-2183

and 9648.06-1953 recorded in Deed Book 5546, Page 1921 and currently owned by 146 Roberts LLC from Urban Place Conditional Zone to Urban Place Conditional Zone district. A copy of the official zoning map showing said lots is attached hereto as Exhibit "A" and made a part hereof. Said rezoning is subject to the conditions set out in Exhibit "B.1", and substantially complies with the site plans shown in Exhibit "C", both attached hereto and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. The ordinances shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 5. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 25th day of July, 2017.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

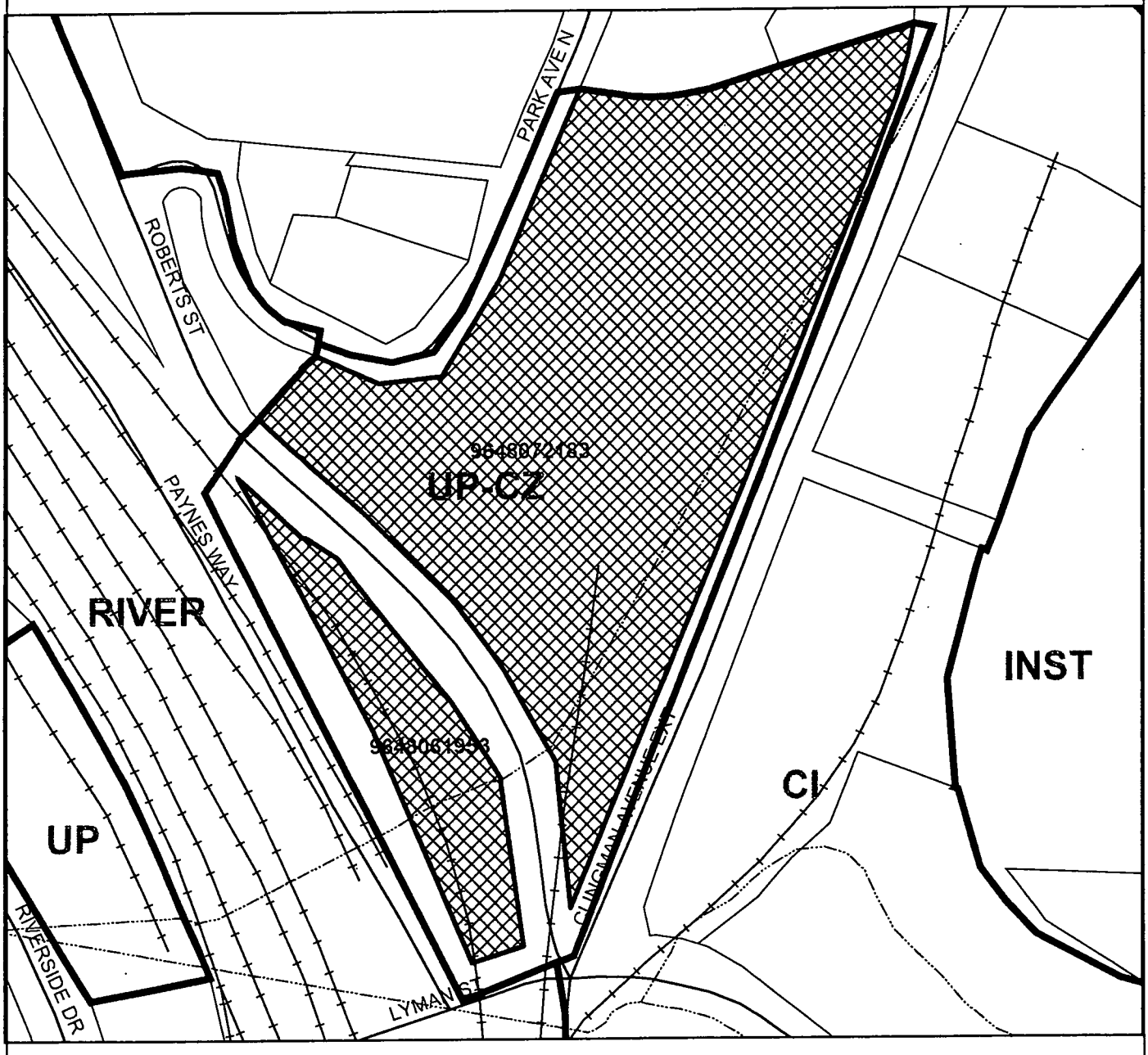
Magdalen Burleson
City Clerk

271

City of Asheville - Exhibit A Map
Conditional Zoning Amendment - RAD Lofts

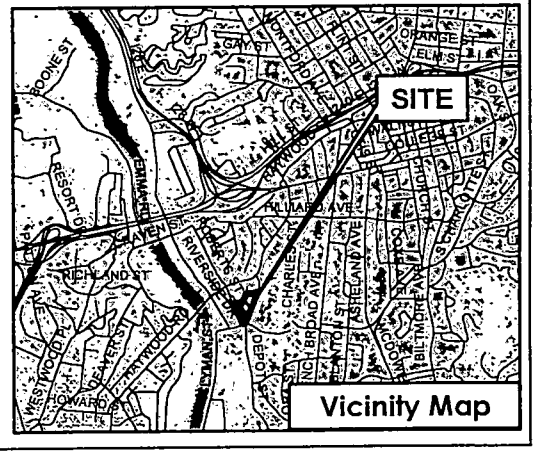
ASHEVILLE

N W E S



Project Name:	RAD Lofts Amendment
Project Number:	13 - 03995 PZ
Project Description:	UP CZ Amendment
Petitioner(s):	Matt Sprouse
Parcel ID Number(s):	9648-07-2183 & 9648-06-1953
Location/Address:	146 Roberts Street

Project Site
Zoning Districts
Parcels
Streets
Asheville City Limits
River Areas



City of Asheville Planning and Urban Design Department - November 2016

EXHIBIT B-1

CONDITIONS
RAD LOFTS AMENDMENT III

1. Approval is for conditional zoning to UP-CZ (Urban Place District) for the construction and use of the property for a mixed-use development as described herein. This is an amendment to a previously approved project (ordinance no. 4241, dated October 22, 2013, ordinance no. 4414, dated May 26, 2015 and ordinance number no. 4548, dated January 10, 2017).
2. The project site consists of two separate parcels with a combined area of approximately 3.26 acres and frontage on Roberts Street, Clingman Avenue Extension and Park Avenue (north) in the River Arts District. The main parcel for development is 2.88 acres in size and the second parcel (0.379 acres) is located across Roberts Street to the south.
3. The current proposal contains a total of 235 residential units but the development is approved at a range of between 230 and 245 units; and retail space is approved for a range of between 14,000 and 20,000 square along Roberts Street.
4. There will be two levels of parking and four to six levels of retail and residential spaces but with the existing grade change on site, the overall height varies. The building height is 50 feet on Clingman and 68 feet from Roberts Street. No building shall exceed 80 feet in height.
5. There will be two driveways, one on each frontage, into the structured parking, which shall contain 358 spaces. There will be a 20-space surface parking lot across Roberts Street and approximately 8 on-street parking spaces will be created through streetscape improvements. The project is approved for a range of between 360 and 400 parking spaces throughout the development site.
6. Landscaping is required on the site and must include street trees along all road frontages, building impact plantings, parking deck and dumpster screening and parking lot landscaping with a street buffer. Open space is also required in this zoning district, equal to 5% of the lot area. Retaining walls are subject to screening requirements.
7. The residential density is approved at a range of between 70 and 75 units per acre.
8. Five percent of the units will be designated as Affordable by the City's standards. The remaining 95% of the units will be leased at or below the City's published 2015 rates for Workforce housing as a baseline, assuming and including an annual increase of 3% calculated as of the date of completion of the Project as indicated on the attached Schedule B1-a. This condition is in effect for a period of ten years from initial CO (certificate of occupancy). The applicant will enter into an affordable housing deed restriction with the City to memorialize the aforementioned rent limits and period of affordability. The deed restriction shall be recorded by the applicant in the Buncombe County Register of Deeds prior to obtaining final CO.
9. The footprint of the building is approved at a range of between 75,000 square feet and 90,000 square feet and the gross floor area not to exceed 430,000 square feet.
10. Sidewalks must be at least 6.5' along the surface parking lot on Roberts Street and between 7.5' -12' along Clingman Avenue. There is an existing 5' sidewalk along Park Avenue and the sidewalk along the building side of Roberts Street will be a minimum of 10'. These conditions allow reductions from the 10' minimum width in the UP district.
11. Roberts Street and between 7.5' -12' along Clingman Avenue. There is an existing 5' sidewalk along Park Avenue and the sidewalk along the building side of Roberts Street will be a minimum of 10'. These conditions allow reductions from the 10' minimum width in the UP district.

12. As the site plan indicates, the parking deck landscaping is reduced to 4 trees based on the existing site conditions where a grade change effectively shields the exposed deck levels and creates challenges to planting.
13. The setback in one location along Roberts Street is greater than the UP district maximum of 15' and shall be as indicated on the site plan.
14. The distance between entrances is as shown on the site plan on both Roberts Street (up to 85' between entrances) and Clingman Avenue Extension (up to 153' between entrances).
15. The site plan shows greater spacing for windows and less ground-level fenestration on Clingman Avenue Extension (down to 22% fenestration at the ground-level). An active pedestrian feel will be created along this corridor by the inclusion of street furniture, public art attached to the building, interpretive signage regarding the history of the area and creative screening on the parking deck openings.
16. Retaining wall on the north end of the project which is 25 feet in height and has no room for foreground landscaping, will be screened with an aesthetic treatment TBD.
17. The building design, site design, construction materials, and orientation on site must substantially comply with the site plan attached hereto as Exhibit C and incorporated herein by reference and the final approved site plan that is incorporated into the zoning permit. Staff has the ability to approve changes that relate to and are within the range of the development approval thresholds without further review by the approving boards. Other major deviations from these plans outside of the approval thresholds will require reconsideration of the project by the reviewing boards.
18. All legally required local, state, and federal permits and approvals must be obtained prior to initiation of construction and any pertinent legal requirements shall be met.

RAD Lofts
City Tax Abatement Agreement Rental Rates

Affordable housing and workforce housing rents established based on 2015 rental limits.
LUIG Benefits to commence in the year in which the Certificate of Occupany is awarded (Year 1), anticipated to be 2017.
Rent w no utilities

Workforce Housing		Year 1 (2017)	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10
231 Units	2015 (Base Year)	3%	3%	3%	3%	3%	3%	3%	3%	3%	3%
1BD	1,267	$1,305.01	$1,344.16	$1,384.49	$1,426.02	$1,468.80	$1,512.86	$1,558.25	$1,605.00	$1,653.15	$1,702.74
2BD	1,418	$1,460.54	$1,504.36	$1,549.49	$1,595.97	$1,643.85	$1,693.17	$1,743.96	$1,796.28	$1,850.17	$1,905.67

Exhibit B-1a

[redacted] [redacted] [redacted]

COMPLIANCE NOTES

1. ALL DRIVEWAY AND ENTRANCE CONNECTIONS ARE SUBJECT TO LOCAL AGENCY APPROVALS. ALL SIDEWALKS SHALL PROVIDE ADEQUATE HANDICAP ACCESSIBILITY AT CROSSWALKS.

2. ANY PLANT MATERIAL TO BE INSTALLED IN THE R.O.W. SHALL BE APPROVED BY THE CITY OF ASHEVILLE ARBORIST, PLANT SPECIES AND FULL PLANTING PLAN SHALL BE SUBMITTED AT FINAL TRC. PLANT MATERIAL SHALL BE SELECTED FROM CITY OF ASHEVILLE RECOMMENDED SPECIES LIST.

3. ALL PAVEMENT STRIPING SHALL BE THERMOPLASTIC MEETING ASHEVILLE STANDARDS.

4. LANDSCAPE CONTRACTOR MUST COORDINATE THE LOCATION OF THE TREES TO AVOID EXISTING AND PROPOSED SEWERLINES, SEWERLINE EASEMENTS AND WATER LINES, NO TREES ARE ALLOWED TO BE PLANTED IN SUCH EASEMENTS OR OVER UTILITIES.

CONDITIONS
RAD LOFTS AMENDMENT II

1. Approval is for conditional zoning to UP-CZ (Urban Place District) for the construction and use of the property for a mixed-use development as described herein. This is an amendment to a previously approved project (ordinance no. 4241, dated October 22, 2013 and ordinance no. 4414, dated May 26, 2015).
2. The project site consists of two separate parcels with a combined area of approximately 3.38 acres and frontage on Roberts Street, Clingman Avenue Extension and Park Avenue (north) in the River Arts District. The main parcel for development is 3.23 acres in size and the second parcel (0.170 acres) is located across Roberts Street to the south.
3. The project shall contain a total of 223 residential units with 116 1-bedroom and 97 2-bedroom units; and 13,872 SF of retail space along Roberts Street.
4. There will be two levels of parking and four to six levels of retail and residential spaces but with the existing grade change on site, the overall height varies. The building height is 30 feet on Clingman and 44 feet from Roberts Street. No building shall exceed 80 feet in height.
5. There will be two driveways, one on each frontage, into the structured parking, which shall contain 314 spaces and a 33-space interior surface parking lot. There will be a 30-space surface parking lot across Roberts Street and approximately 8 on-street parking spaces will be created through streetscape improvements.
6. Landscaping is required on the site and must include street trees along all road frontages, building impact plantings, parking deck and dumpster screening and parking lot landscaping with a street buffer. Open space is also required in this zoning district, equal to 5% of the lot area. Retaining walls are subject to screening requirements.
7. The residential density is 72 units per acre.
8. Five percent of the units will be designated as affordable by the City's standards. The remaining 95% of the units will be leased at or below the City's rates for workforce housing for the first full year of operation. Following the first year, the owner/developer may increase the workforce rental rates in an amount not to exceed 3% per year as indicated on the attached Schedule 3.1-a. Affordable unit rental rates shall be at or below the City's annual published rates. This condition is in effect for a period of ten years from initial CO (certificate of occupancy).
9. The footprint of the building is 82,311 SF (an increase of 65% from the UP maximum of 50,000 SF) and the gross floor area is 432,400 SF (an increase of 104% from the UP maximum of 200,000 SF).
10. Sidewalks must be at least 6.5' along the surface parking lot on Roberts Street and between 7.5'-12' along Clingman Avenue. There is an existing 5' sidewalk along Park Avenue and the sidewalk along the building side of Roberts Street will be a minimum of 10'. These conditions allow reductions from the 10' minimum which is the UP district.
11. As the site plan indicates, the parking deck landscaping is reduced to 4 trees based on the existing site conditions where a grade change effectively shields the exposed deck levels and creates challenges to planting.
12. The setback in one location along Roberts Street is greater than the UP district maximum of 15' and shall be as indicated on the site plan.
13. The distance between entrances is as shown on the site plan on both Roberts Street (up to 87' between entrances) and Clingman Avenue Extension (up to 133' between entrances).
14. The site plan shows greater spacing for windows and less ground-level fenestration on Clingman Avenue Extension (down to 32% fenestration at the ground-level). An active pedestrian feel will be created along this corridor by the inclusion of street furniture, public art attached to the building, interpretive signage regarding the history of the area and creative screening on the parking deck openings.
15. Retaining wall on the north end of the project which is 15 (CHANGED FROM 25 FT) feet in height and has no room for foreground landscaping, will be screened with an aesthetic treatment TBD.
16. The building design, site design, construction materials, and orientation on the site must substantially comply with the site plan attached hereto as Exhibit C and incorporated herein by reference and the final approved site plan that is incorporated into the zoning permit. Any major deviations from these plans will require reconsideration of the project by the reviewing boards.
17. All legally required local, state, and federal permits and approvals must be obtained prior to initiation of construction and any pertinent legal requirements shall be met.

PARKING REQUIREMENTS (City of Asheville)			
MINIMUM			
RETAIL	1 SPACE/ 350 SF MIN.	18,304	48 SPACES
RESIDENTIAL	1 SPACE/UNIT MIN.	223 UNITS	223 SPACES
			231 MIN. SPACES REQUIRED
MAXIMUM			
RETAIL	1 SPACE/ 220 SF MAX.	18,304	82 SPACES
RESIDENTIAL	0.8 SPACE/ UNIT MAX.	470 UNITS	470 SPACES
			552 MAX. SPACES REQUIRED
PARKING PROPOSED			
PARKING GARAGE			358 SPACES
SURFACE LOT ON ROBERTS STREET			30 SPACES
8 ON-STREET- ROBERTS STREET			8 SPACES
PROPOSED PARKING TOTAL			358 SPACES

REQUIRED BIKE PARKING: 33 SPACES
PROPOSED BIKE PARKING: 22 SPACES*
*ADDITIONAL BIKE PARKING TO BE PROVIDED INSIDE PARKING DECK FOR RESIDENTS

REQUIRED REQUIRED HC SPACES: 8 SPACES
PROPOSED HC SPACES: 20 SPACES

SITE CALCULATIONS
TOTAL SITE AREA: 3.38 AC (142,808 SF)

TOTAL IMPERVIOUS AREA ALLOWED: 90% (3.05 AC- 134,500 SF)
TOTAL IMPERVIOUS AREA PROPOSED: 81% (2.63 AC- 114,530 SF)

TOTAL GRADED: 3.13 ACRES (136,342.5 SF)

OPEN SPACE
TOTAL SITE AREA: 3.38 AC (142,808 SF)
TOTAL OPEN SPACE REQUIRED: 5% (0.16 AC - 7,100 SF)
TOTAL OPEN SPACE PROVIDED: 27% (.40 AC - 30,808 SF)

PROPERTY OWNER
RAD Lofts LLC
800-E Fairview Rd
Suite 130
Asheville NC 28803

DEVELOPER
RAD Lofts LLC
800-E Fairview Rd
Suite 130
Asheville NC 28803
828-230-7801

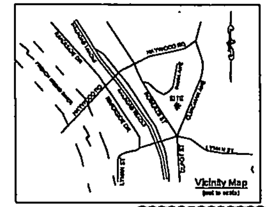
CONTACT
MATT SPROUSE, PLA
SITEWORK STUDIOS, PLLC
352 DEPOT STREET, SUITE 130
ASHEVILLE, NC 28801
(O) (828) 225-4845

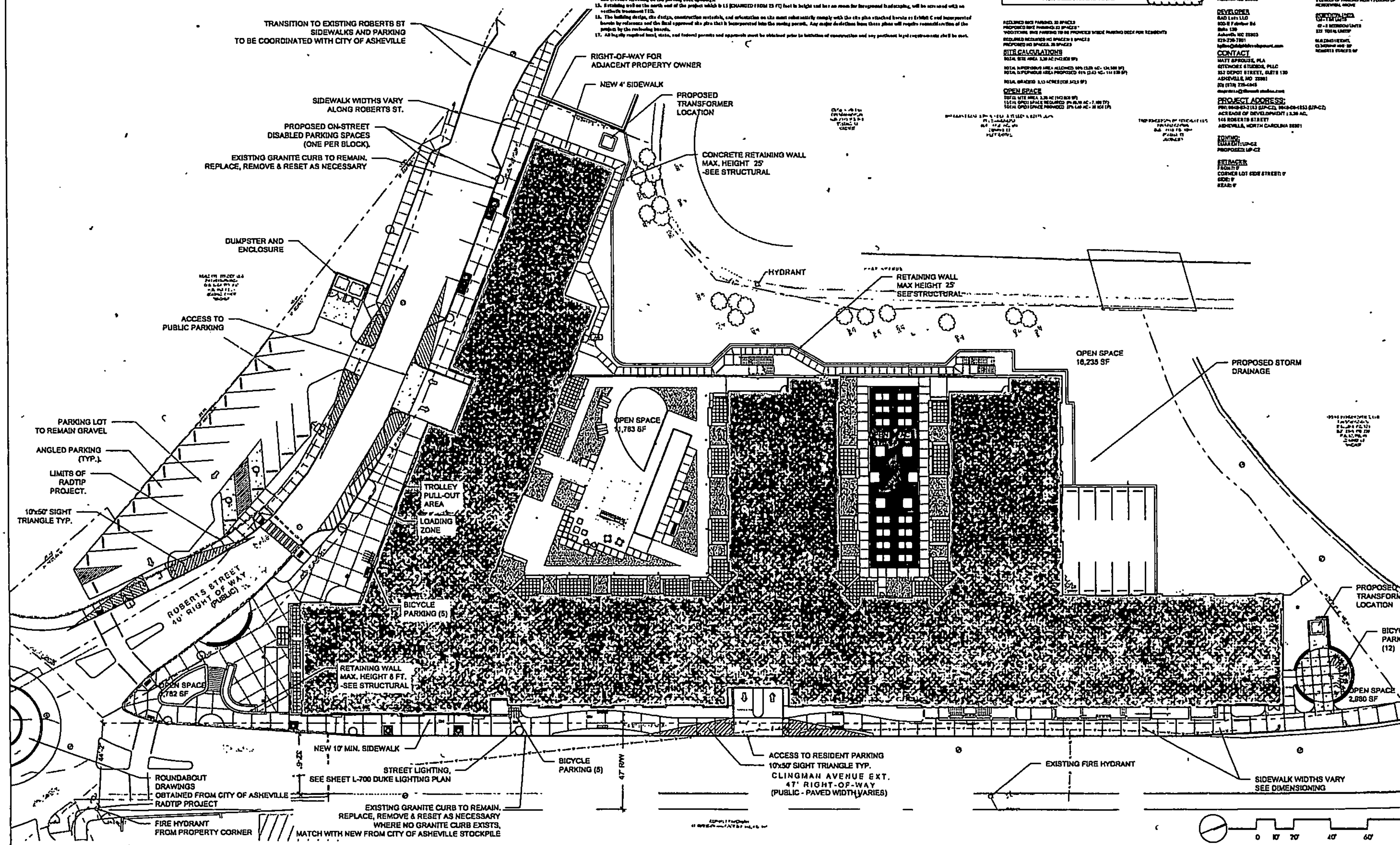
PROJECT ADDRESS:
PIN: 9648-83-2183 (UP-CZ), 9648-84-1853 (UP-CZ)
ACREAGE OF DEVELOPMENT: 3.38 AC.
146 ROBERTS STREET
ASHEVILLE, NORTH CAROLINA 28801

ZONING:
CURRENT: UP-CZ
PROPOSED: UP-CZ

SETBACKS:
FRONT: 0'
CORNER LOT SIDE STREET: 0'
SIDE: 0'
REAR: 0'

BUILDING INFORMATION:
BUILDING GROSS FLOOR AREA: 412,394 SF
RETAIL: 18,304 SF
5 LEVELS OF PARKING WITH 4 FLOORS OF RESIDENTIAL ABOVE





ROWHOUSE ARCHITECTS
one north pack square
asheville, north carolina
28801
T1 828.251.2344
T2 828.788.4545

sitework STUDIOS

RAD LOFTS

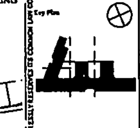
ROBERTS ST and CLINGMAN AVE EXTENSION
Asheville, NC 28801

NORTH CAROLINA SITEWORK STUDIOS, PLLC

Release / Revision Dates

No.	Description	Date
A	SCHEM. DESIGN	12.22.16
B		2.8.2017
C	50% CDs	3.30.17
D	100% CDs	5.26.17

Key Plan



Submittal Date

Sheet Title
MASTER PLAN

L-200

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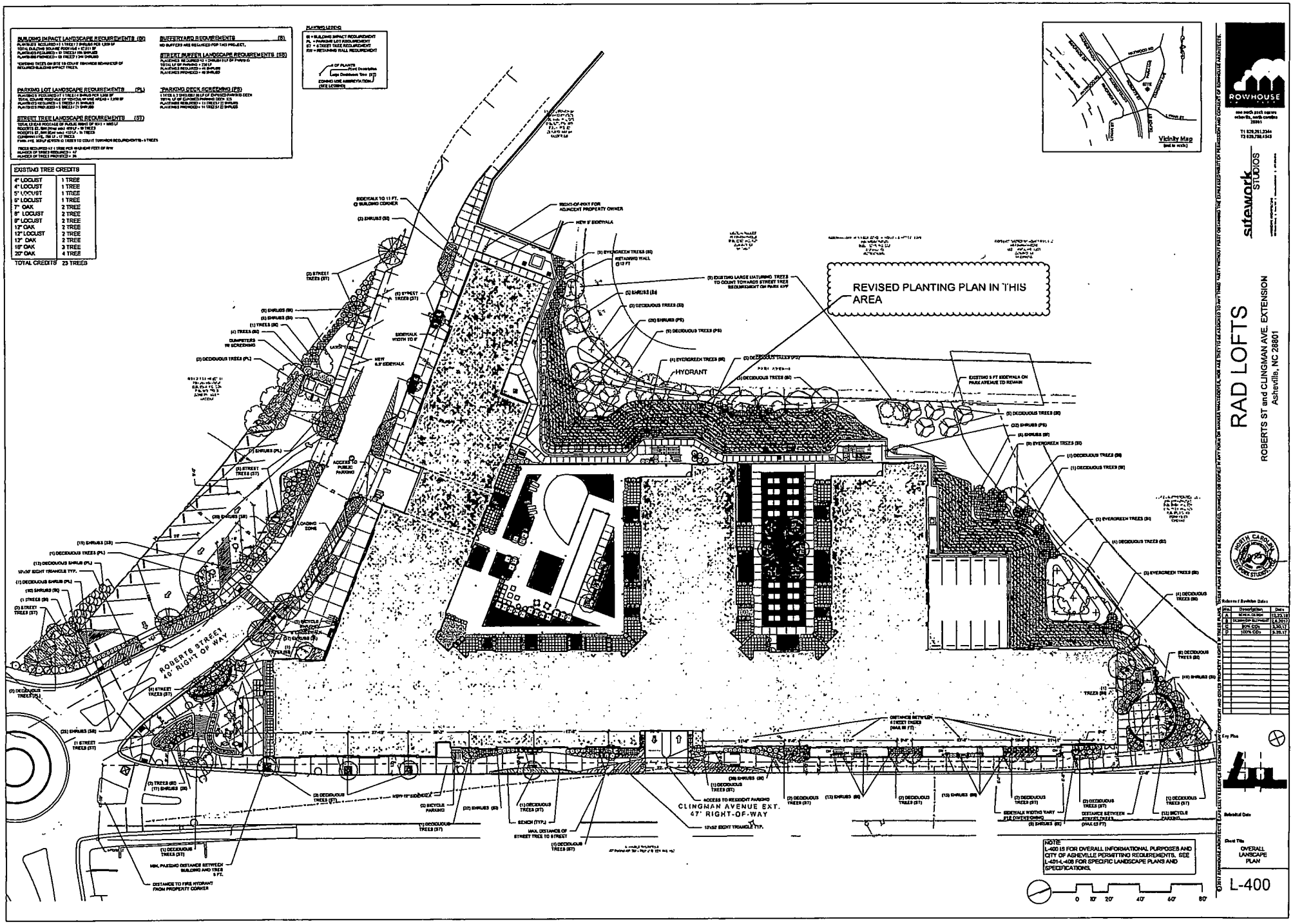
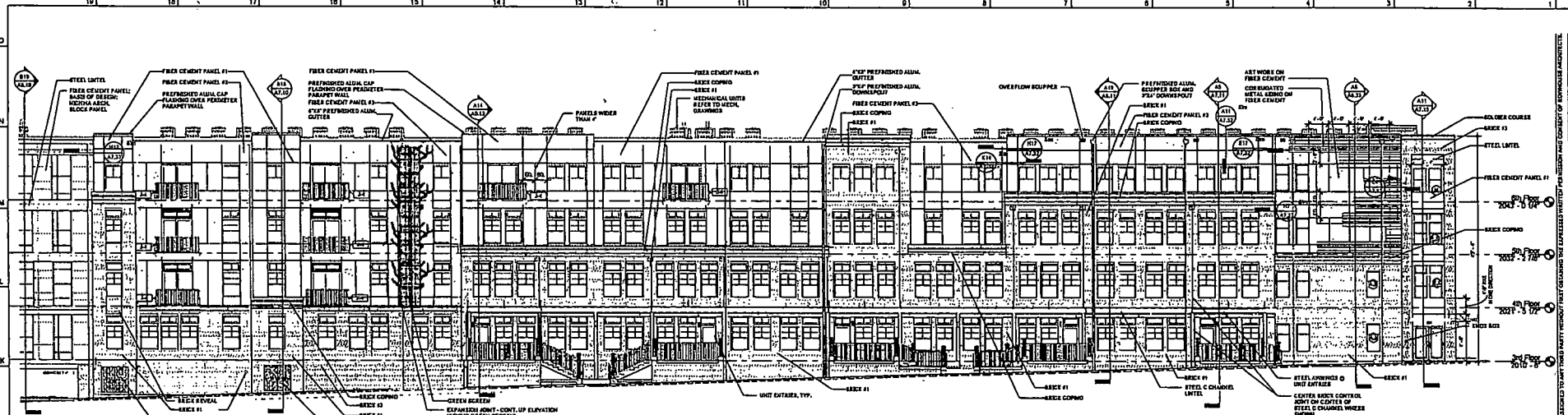
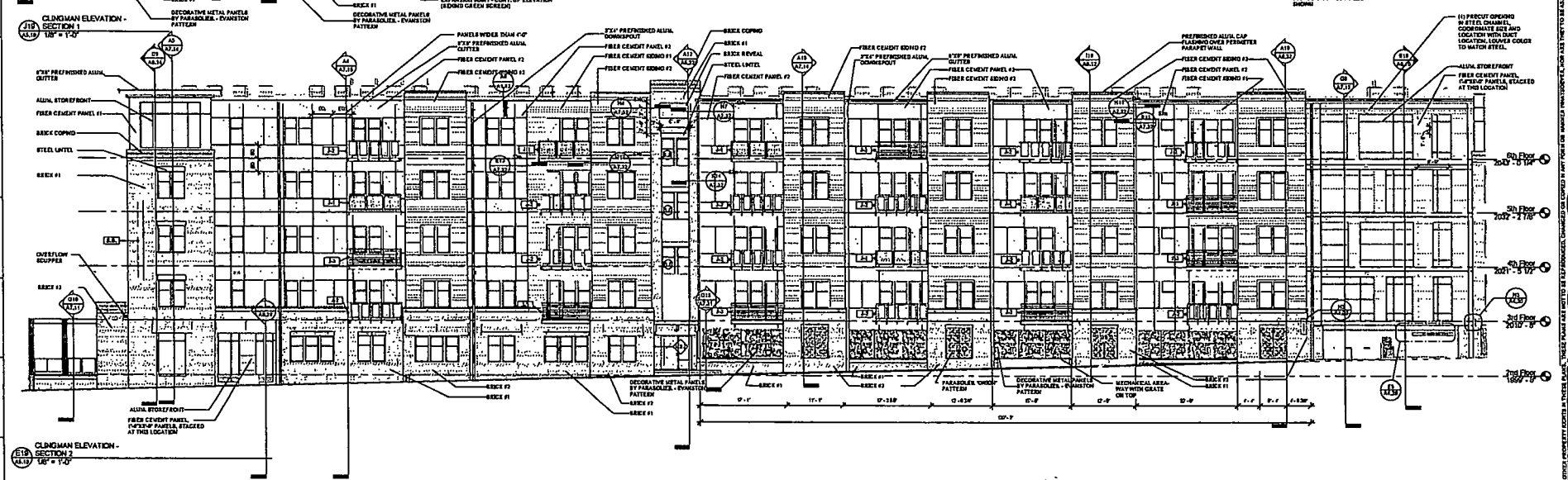
276



BUILDING IMPACT LANDSCAPE REQUIREMENTS (BI)
BUFFERYARD REQUIREMENTS (B)
STREET BUFFER LANDSCAPE REQUIREMENTS (SB)
PARKING LOT LANDSCAPE REQUIREMENTS (PL)
PARKING DECK SCREENING (PS)
STREET TREE LANDSCAPE REQUIREMENTS (ST)
EXISTING TREE CREDITS
4" LOCUST 1 TREE
4" LOCUST 1 TREE
5" LOCUST 1 TREE
6" LOCUST 1 TREE
7" OAK 2 TREE
8" LOCUST 2 TREE
9" LOCUST 2 TREE
12" OAK 2 TREE
12" LOCUST 2 TREE
12" OAK 2 TREE
18" OAK 3 TREE
20" OAK 4 TREE
TOTAL CREDITS 23 TREES
REVISED PLANTING PLAN IN THIS AREA
HYDRANT
ROBERTS STREET 40' RIGHT OF WAY
CLINGMAN AVENUE EXT. 47' RIGHT-OF-WAY
Vicinity Map
NOTE:
L-400 IS FOR OVERALL INFORMATIONAL PURPOSES AND CITY OF ASHEVILLE PERMITTING REQUIREMENTS. SEE L-401-L-408 FOR SPECIFIC LANDSCAPE PLANS AND SPECIFICATIONS.
0 10' 20' 40' 60' 80'
ROWHOUSE
sitework STUDIOS
RAD LOFTS
ROBERTS ST and CLINGMAN AVE. EXTENSION
Asheville, NC 28801
OVERALL LANDSCAPE PLAN
L-400



CLINGMAN ELEVATION - SECTION 1
1/8" = 1'-0"



CLINGMAN ELEVATION - SECTION 2
1/8" = 1'-0"

1. SEE WALL SECTIONS & ENLARGED ELEVATIONS FOR GUARDRAIL INFORMATION. ALL BALCONIES OR WALKWAYS ELEVATED MORE THAN 30" IN VERTICAL RISE TO HAVE MINIMUM 3'-6" HIGH GUARDRAILS AS PER THE BUILDING CODE.
2. PROVIDE VERTICAL EXPANSION JOINTS IN BRICK VENEER PER BIA STANDARDS. PROVIDE HORIZONTAL SUPPORTS PER STRUCTURAL DRAWINGS AND BIA STANDARDS WHERE EXCEEDS 30' IN HEIGHT.
3. TIE IN ALL DOWNSPOUTS TO STORM DRAINS.
4. ALL DRYER & BATH VENTS TO MATCH ADJACENT COLOR
5. ALL FIBER CEMENT TRIM SIZE THICKNESS, NUMBERS ON TRIM REPRESENT WIDTHS.
6. REFER TO SPECIFICATIONS FOR ALL EXTERIOR MATERIALS. THE WALL SECTIONS AND DETAILS SHOWN IN THIS SET REFLECT FIBER CEMENT PANEL / SIDING WITH BA TRIM. ALL MATERIAL WIDTHS TO REMAIN SAME SIZE IF ANY PRODUCT SUBSTITUTION IS MADE. CONTACT ARCHITECT IF THERE ARE ANY DISCREPANCIES IN DETAILS DUE TO PRODUCT SUBSTITUTIONS.
7. REFER TO BUILDING PLAN FOR MASONRY LOCATIONS, INCLUDING THOSE NOT SHOWN IN THESE ELEVATIONS.
8. SEE ROOF PLAN FOR OVERHANG DIAGRAM DESIGNS.
9. APPLY AN ADDITIONAL 12" LAYER OF MOISTURE BARRIER AT INSIDE/OUTSIDE CORNERS FULL HEIGHT OF WALL (TYP.)
10. PROVIDE CONT. BUILDING WRAP OVER SHEATHING - TYVEK "COMMERCIAL WRAP" TO BE BASED OF DESIGNER SPECIFICATIONS.
11. INSTALL BUILDING WRAP CONTINUOUS AT ALL WALL SURFACES PRIOR TO EXTERIOR FINISH INSTALLATION.
12. TEKA FLASH BUILDING WRAP AT PENETRATIONS DETAILS & MANF. RECOMMENDATIONS.
13. PROVIDE PRE-FAB. FLASHING BOOTS OR FLANGED EXHAUST LOUVER AT DUCT PENETRATIONS AT WALLS (TYP).
14. PROVIDE SEALANT AT VERTICAL TRANSITIONS BETWEEN WALL FINISHES.
15. PROVIDE METAL FLASHING AT HORIZONTAL TRANSITIONS BETWEEN WALL FINISHES.
16. COORDINATE LOUVER LOCATION TO AVOID CONFLICT WITH BRICK SOLDIER COURSE AND BA TRIM AT WINDOW HEAD CONDITIONS.

ROWHOUSE ARCHITECTS
ASHEVILLE, NC

RAD LOFTS

THE RIVER ARTS DISTRICT
Asheville, NC 28801

ROWHOUSE ARCHITECTS P.C. ASHEVILLE, N.C. 52659

ANDREW R. GAINES ARCHITECT No. 10084 5.19.17 NORTH CAROLINA ASHEVILLE, N.C.

Revision / Revision Dates		
No.	Description	Date
A	BCRM SL DESIGN	12.13.16
B	REVISION REV.	2.2.17
C	RFP4 ISSUE	3.30.17
D	CONSTRUCTION DOCUMENTS	5.19.17

Key Plan

Submittal Date
5.19.17

Sheet Title
ELEVATIONS

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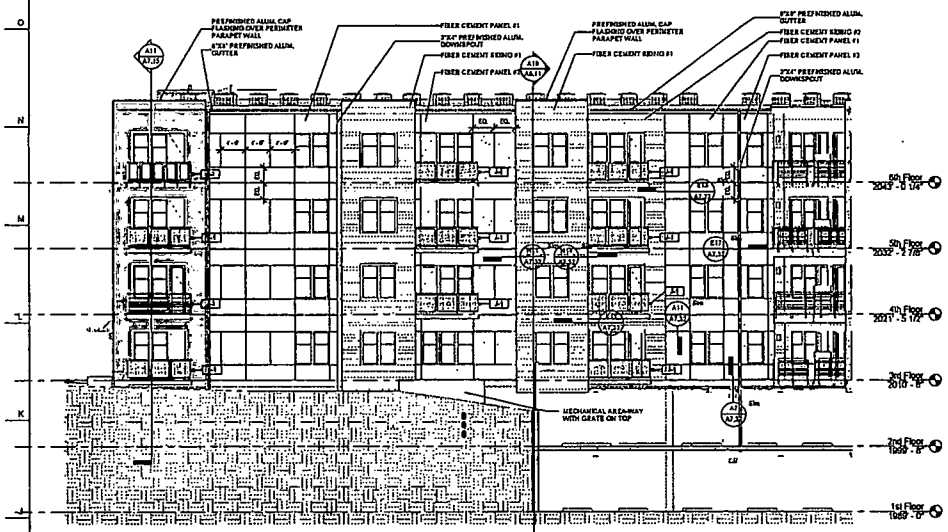
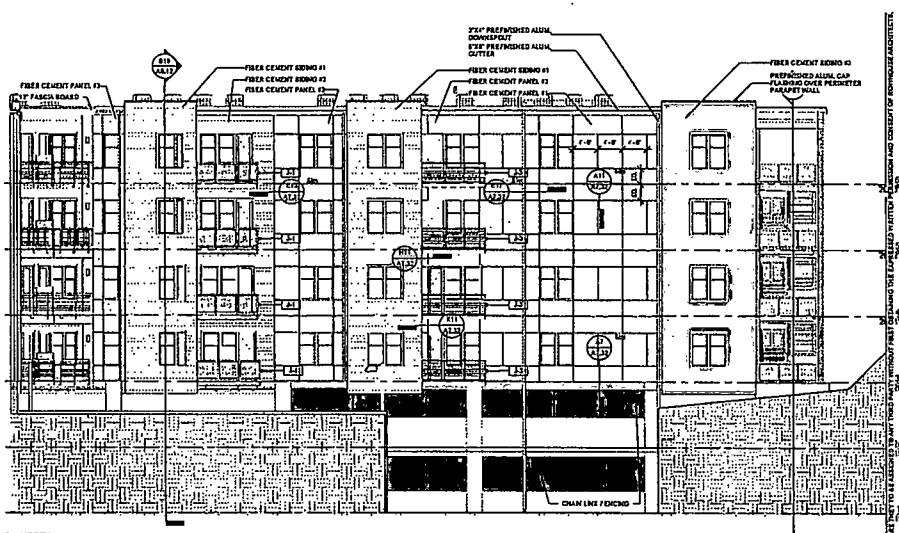
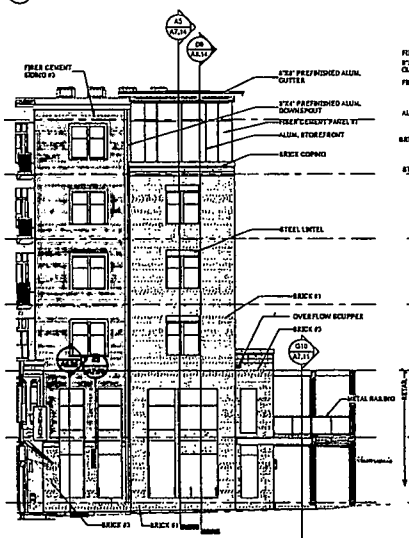
278



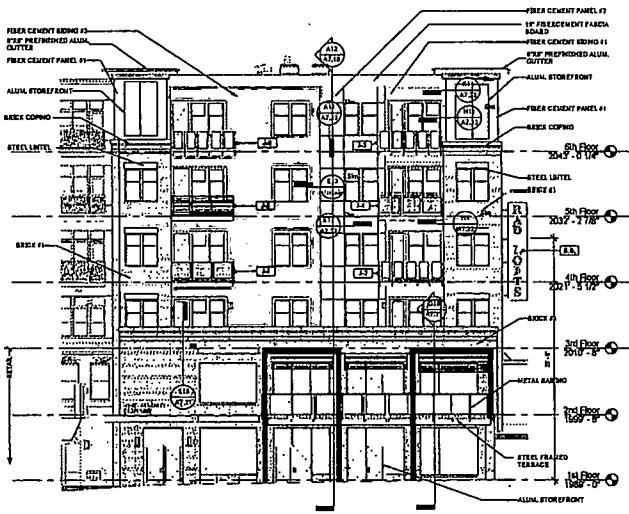
(11) WEST ELEVATION (NORTHERN SECTION)
A5.11 1/8" = 1'-0"



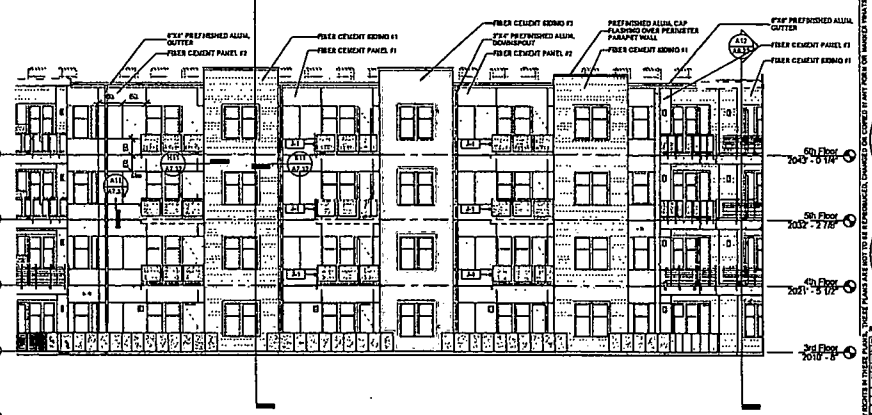
(10) NORTH WING - NORTH ELEVATION
A5.11 1/8" = 1'-0"



(C13) RETAIL CORNER ELEVATION
A5.11 1/8" = 1'-0"



(C14) CUNIGMAN / ROBERTS INTERSECTION
A5.11 1/8" = 1'-0"



(D8) LARGE INTERIOR COURTYARD BAY
A5.11 1/8" = 1'-0"

1. SEE WALL SECTIONS & ENLARGED ELEVATIONS FOR GUARDRAIL HEIGHTS. ALL BALCONIES OR WALKWAYS ELEVATED MORE THAN 30" IN VERTICAL RISE TO HAVE MINIMUM 3'-6" HIGH GUARDRAILS AS PER THE BUILDING CODE.
2. PROVIDE VERTICAL EXPANSION JOINTS IN BRICK VENEER PER BIA STANDARDS. PROVIDE HORIZONTAL SUPPORTS PER STRUCTURAL DRAWINGS AND BIA STANDARDS WHERE EXCEEDS 30' IN HEIGHT.
3. TIE IN ALL DOWNSPOUTS TO STORM DRAINS.
4. ALL DRYER & BATH VENTS TO MATCH ADJACENT COLOR
5. ALL FIBER CEMENT TRIM SIZE THICKNESS, NUMBERS ON TRIM REPRESENT WIDTHS.
6. REFER TO SPECIFICATIONS FOR ALL EXTERIOR MATERIALS. THE WALL SECTIONS AND DETAILS SHOWN IN THIS SET REFLECT FIBER CEMENT PANEL / SIDING WITH 5/4 TRIM. ALL MATERIAL WIDTHS TO REMAIN SAME SIZE IF ANY PRODUCT SUBSTITUTION IS MADE. CONTACT ARCHITECT IF THERE ARE ANY DISCREPANCIES IN DETAILS DUE TO PRODUCT SUBSTITUTIONS.
7. REFER TO BUILDING PLAN FOR MASONRY LOCATIONS, INCLUDING THOSE NOT SHOWN IN THESE ELEVATIONS.
8. SEE ROOF PLAN FOR OVERHANG DIAGRAM DESIGNS.
9. APPLY AN ADDITIONAL 15# LAYER OF MOISTURE BARRIER AT INSIDE/OUTSIDE CORNERS FULL HEIGHT OF WALL (TYP.)
10. PROVIDE CONT. BUILDING WRAP OVER SHEATHING - TYVEK "COMMERCIAL WRAP" TO BE BASIS OF DESIGNER SPECIFICATIONS.
11. INSTALL BUILDING WRAP CONTINUOUS AT ALL WALL SURFACES PRIOR TO EXTERIOR FINISH INSTALLATION.
12. TERM/FLASH BUILDING WRAP AT PENETRATIONS DETAILS & MANF. RECOMMENDATIONS.
13. PROVIDE PRE-FAB. FLASHING BOOTS OR FLANGED EXHAUST LOUVER AT DUCT PENETRATIONS AT WALLS (TYP).
14. PROVIDE SEALANT AT VERTICAL TRANSITIONS BETWEEN WALL FINISHES.
15. PROVIDE METAL FLASHING AT HORIZONTAL TRANSITIONS BETWEEN WALL FINISHES.
16. COORDINATE LOUVER LOCATION TO AVOID CONFLICT WITH BRICK SOLDIER COURSE AND 5/4 TRIM AT WINDOW HEAD CONDITIONS.

ROWHOUSE ARCHITECTS
one south pack square
asheville, north carolina
28801
828.251.1344
828.251.1931

RAD LOFTS
THE RIVER ARTS DISTRICT
Asheville, NC 28801

ROWHOUSE ARCHITECTS
52859
ASHEVILLE, NC

ROBIN D. RAINES
REGISTERED ARCHITECT
No. 10084
5.19.17
NORTH CAROLINA
ASHEVILLE, NC

Release / Revision Dates

No.	Description	Date
A	SCHEM. DESIGN	11.30.16
B	DESIGN DEV.	1.9.17
C	PRICING	3.24.17
D	CONSTRUCTION DOCUMENTS	5.19.17

Key Plan

Submittal Date
5.19.17

Sheet Title
ELEVATIONS

A5.11

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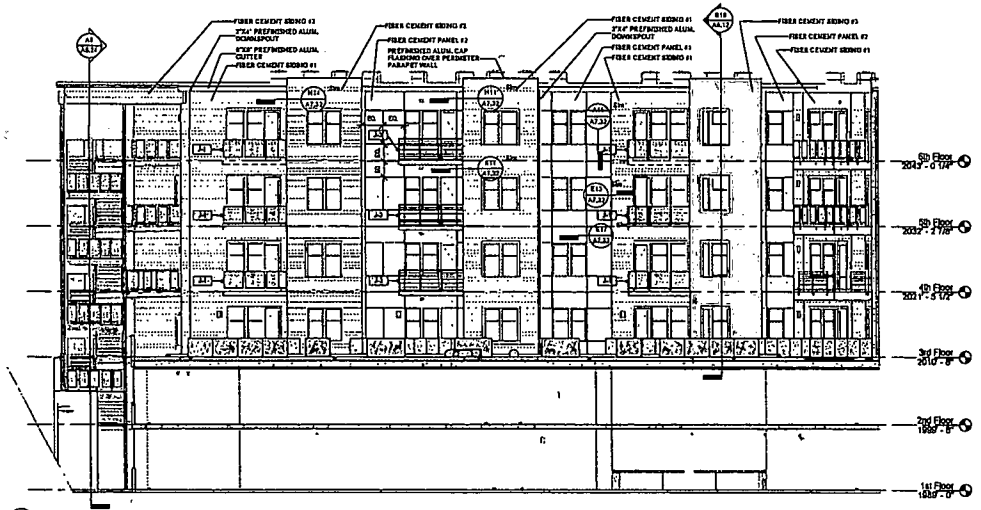
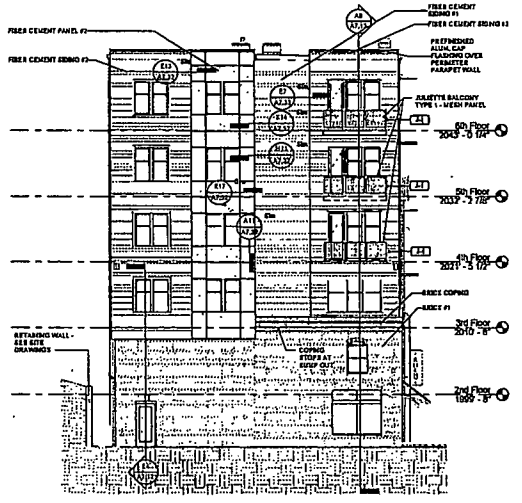
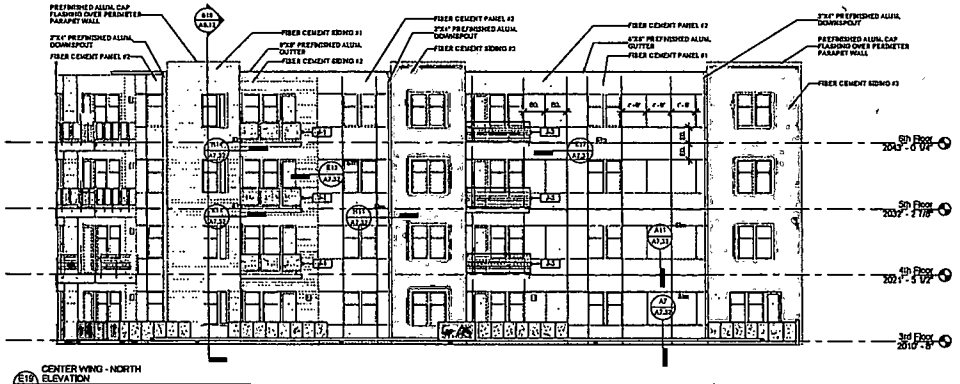


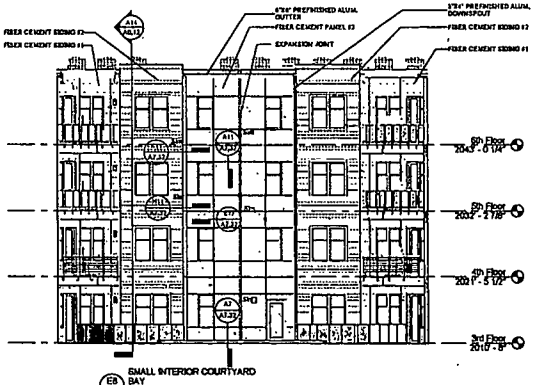
J10 NORTH WING - LEFT
A5.12 1/8" = 1'-0"



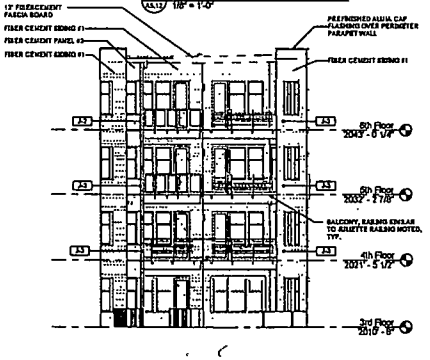
J9 NORTH ROBERTS ELEVATION
A5.12 1/8" = 1'-0"



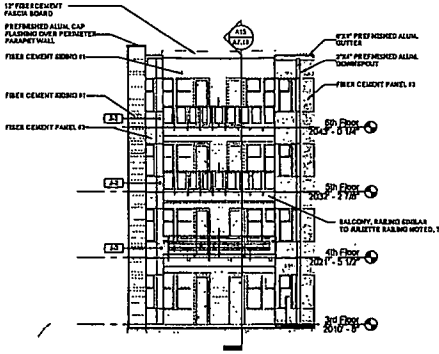
E19 CENTER WING - NORTH ELEVATION
A5.12 1/8" = 1'-0"



E8 SMALL INTERIOR COURTYARD BAY
A5.12 1/8" = 1'-0"



A8 INTERIOR COURTYARD CORNER #1
A5.12 1/8" = 1'-0"



A4 INTERIOR COURTYARD CORNER #2
A5.12 1/8" = 1'-0"

1. SEE WALL SECTIONS & ENLARGED ELEVATIONS FOR CHAIR RAIL HEIGHTS. ALL BALCONIES OR WALKWAYS ELEVATED MORE THAN 30" IN VERTICAL RISE TO HAVE MINIMUM 3'-6" HIGH GUARDRAILS AS PER THE BUILDING CODE.
2. PROVIDE VERTICAL EXPANSION JOINTS IN BRICK VENEER PER BIA STANDARDS. PROVIDE HORIZONTAL SUPPORTS PER STRUCTURAL DRAWINGS AND BIA STANDARDS WHERE EXCEEDS 30' IN HEIGHT.
3. TIE IN ALL DOWNSPOUTS TO STORM DRAINS.
4. ALL DRYER & BATH VENTS TO MATCH ADJACENT COLOR
5. ALL FIBER CEMENT TRIM SHA THICKNESS, MUNTINS OR TRIM REPRESENT WIDTHS.
6. REFER TO SPECIFICATIONS FOR ALL EXTERIOR MATERIALS. THE WALL SECTIONS AND DETAILS SHOWN IN THIS SET REFLECT FIBER CEMENT PANEL / SIDING WITH NA TRIM. ALL MATERIAL WIDTHS TO REMAIN SAME SIZE IF ANY PRODUCT SUBSTITUTION IS MADE. CONTACT ARCHITECT IF THERE ARE ANY DISCREPANCIES IN DETAILS DUE TO PRODUCT SUBSTITUTIONS.
7. REFER TO BUILDING PLAN FOR MASONRY LOCATIONS, INCLUDING THOSE NOT SHOWN IN THESE ELEVATIONS.
8. SEE ROOF PLAN FOR OVERHANG DIAGRAM DESIGNS.
9. APPLY AN ADDITIONAL 12" LAYER OF MOISTURE BARRIER AT RESIDUAL SIDE CORNERS FULL HEIGHT OF WALL (TYP.)
10. PROVIDE CONT. BUILDING WRAP OVER SHEATHING - TYVEK "COMMERCIAL WRAP" TO BE BASIS OF DESIGNER SPECIFICATION.
11. INSTALL BUILDING WRAP CONTINUOUS AT ALL WALL SURFACES PRIOR TO EXTERIOR FINISH INSTALLATION.
12. TERM/FLASH BUILDING WRAP AT PENETRATIONS DETAILS & MANF. RECOMMENDATIONS.
13. PROVIDE PRE-FAB. FLASHING BOOTS OR FLANGED EXHAUST LOUVER AT DUCT PENETRATIONS AT WALLS (TYP).
14. PROVIDE SEALANT AT VERTICAL TRANSITIONS BETWEEN WALL FINISHES.
15. PROVIDE METAL FLASHING AT HORIZONTAL TRANSITIONS BETWEEN WALL FINISHES.
16. COORDINATE LOUVER LOCATION TO AVOID CONFLICT WITH BRICK SOLDIER COURSE AND BA TRIM AT WINDOW HEAD CONDITIONS.

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asheville, north carolina
28801
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F: 828.251.1231

RAD LOFTS

THE RIVER ARTS DISTRICT
Asheville, NC 28801

ROWHOUSE ARCHITECTS, P.C.
REGISTERED ARCHITECT
52839
NORTH CAROLINA
ASHEVILLE, N.C.

JOHN R. RAINES
REGISTERED ARCHITECT
No. 10084
5.19.17
NORTH CAROLINA
ASHEVILLE, N.C.

Release / Revision Dates

Num	Description	Date
A	SCHEM. DESIGN	11.23.16
B	DESIGN DEV.	2.3.17
C	MHC DR	3.30.17
D	CONSTRUCTION DOCUMENTS	5.19.17

Key Plan

Submitted Date
5.19.17

Sheet Title
ELEVATIONS

A5.12

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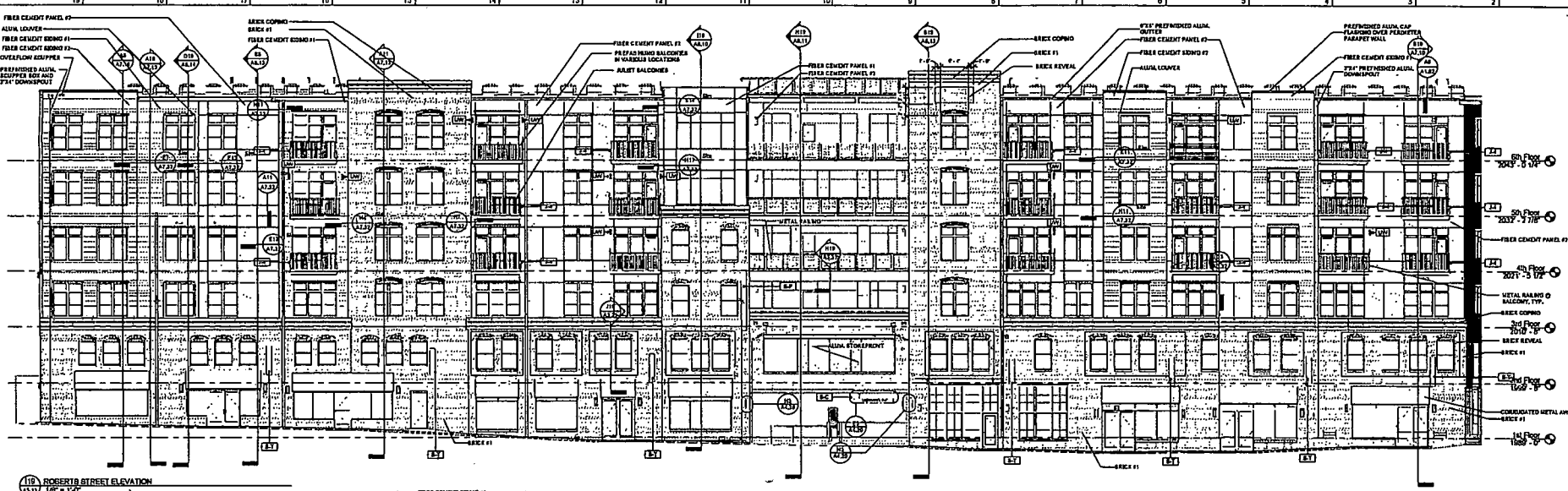
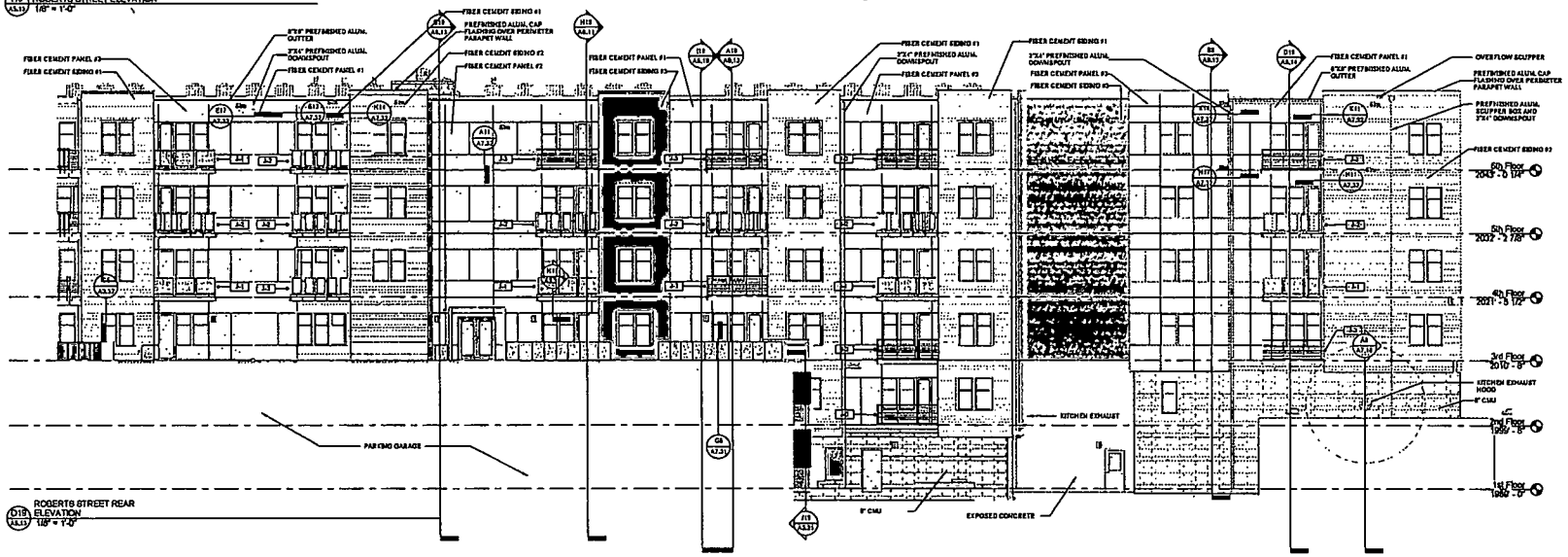
279'

280



D19 ROBERTS STREET ELEVATION
A5.13 1/8" = 1'-0"



D19 ROBERTS STREET REAR ELEVATION
A5.13 1/8" = 1'-0"

1. SEE WALL SECTIONS & ENLARGED ELEVATIONS FOR GUARDRAIL HEIGHTS. ALL BALCONIES OR WALKWAYS ELEVATED MORE THAN 30" IN VERTICAL RISE TO HAVE MINIMUM 3'-6" HIGH GUARDRAILS AS PER THE BUILDING CODE.
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3. TIE IN ALL DOWNSPOUTS TO STORM DRAINS.
4. ALL DRYER & BATH VENTS TO MATCH ADJACENT COLOR
5. ALL FIBER CEMENT TRIM 5/4X THICKNESS, NUMBERS ON TRIM REPRESENT WIDTHS.
6. REFER TO SPECIFICATIONS FOR ALL EXTERIOR MATERIALS. THE WALL SECTIONS AND DETAILS SHOWN IN THIS SET REFLECT FIBER CEMENT PANEL / SIDING WITH 5/4 TRIM. ALL MATERIAL WIDTHS TO REMAIN SAME SIZE IF ANY PRODUCT SUBSTITUTION IS MADE. CONTACT ARCHITECT IF THERE ARE ANY DISCREPANCIES IN DETAILS DUE TO PRODUCT SUBSTITUTIONS.
7. REFER TO BUILDING PLAN FOR MASONRY LOCATIONS, INCLUDING THOSE NOT SHOWN IN THESE ELEVATIONS.
8. SEE ROOF PLAN FOR OVERHANG DIAGRAM DETAILS.
9. APPLY AN ADDITIONAL 1/2" LAYER OF MOISTURE BARRIER AT SUBSIDIOUS SIDE CORNERS FULL HEIGHT OF WALL (TYP.)
10. PROVIDE CONT. BUILDING WRAP OVER SHEATHING - TYVEK "COMMERCIAL WRAP" TO BE BASIS OF DESIGNER SPECIFICATIONS.
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THE RIVER ARTS DISTRICT
Asheville, NC 28801

ROWHOUSE ARCHITECTS, P.C. ASHEVILLE, N.C. 52659

ROBIN B. RAINES No. 10084 5.19.17 NORTH CAROLINA ASHEVILLE, N.C.

Release / Revision Dates

	Description	Date
A	SCHEM. DESIGN	12.13.16
B	DESIGN DEV.	1.9.17
C	50% CDS	3.30.17
D	CONSTRUCTION DOCUMENTS	5.19.17

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Key Plan

Submittal Date
5.19.17

Sheet Title
ELEVATIONS

A5.13

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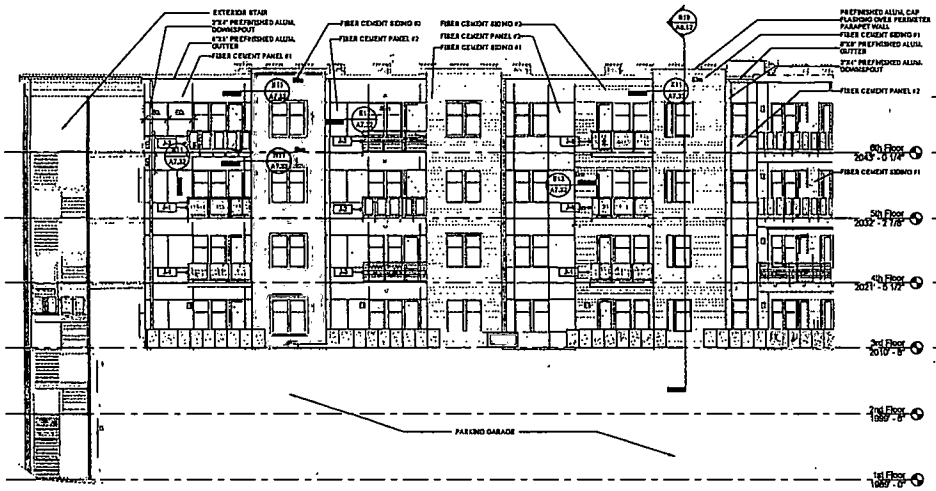
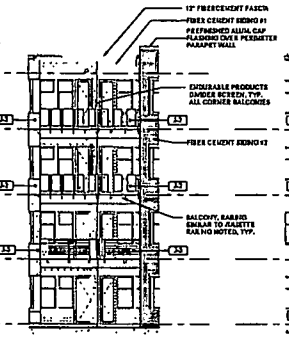
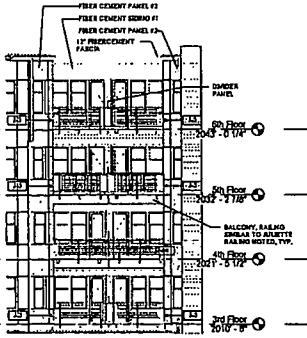


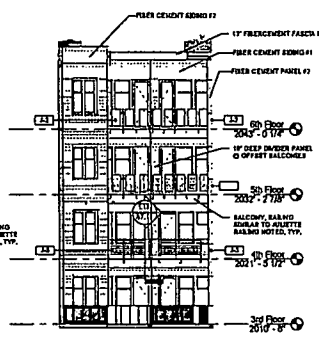
(I19) CENTER WING - SOUTH ELEVATION
1/8" = 1'-0"



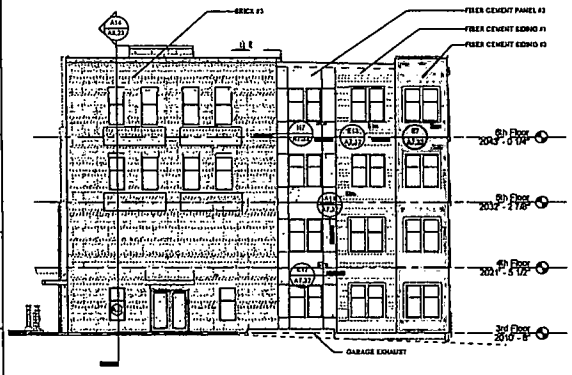
(K10) INTERIOR COURTYARD CORNER #4
1/8" = 1'-0"



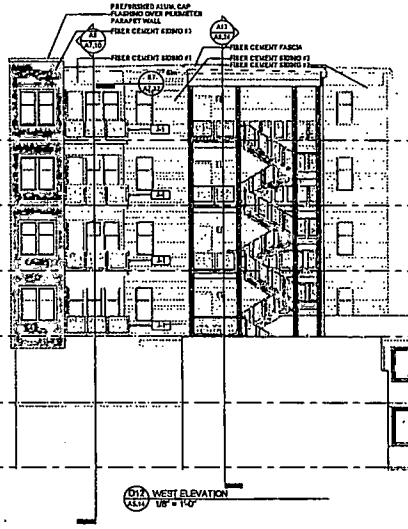
(K7) INTERIOR COURTYARD CORNER #5
1/8" = 1'-0"



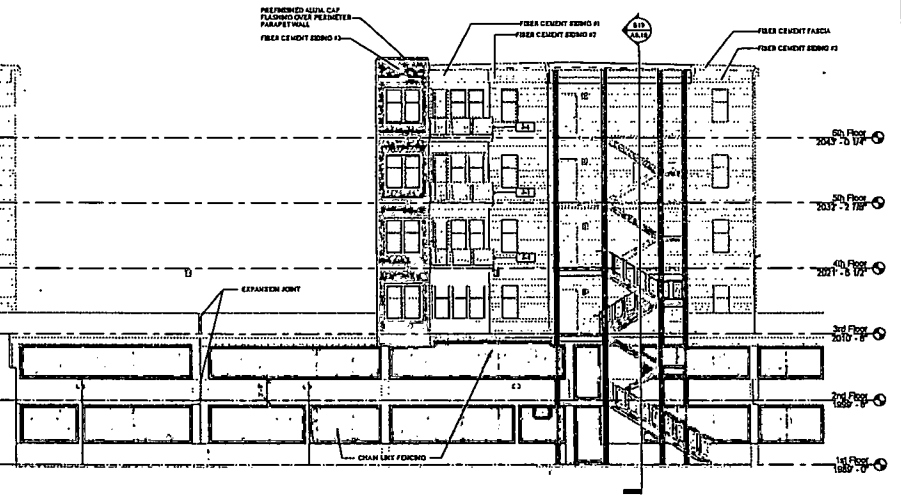
(K4) INTERIOR COURTYARD CORNER #3
1/8" = 1'-0"



(D19) NORTH ELEVATION
1/8" = 1'-0"



(D17) WEST ELEVATION
1/8" = 1'-0"



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RAD LOFTS

THE RIVER ARTS DISTRICT
Asheville, NC 28801

ROWHOUSE ARCHITECTS, P.C. ASHEVILLE, N.C. 52659

ABIM R. RAINES ARCHITECT No. 10084 5.12.17 NORTH CAROLINA ASHEVILLE, N.C.

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Release / Revision Dates

No.	Description	Date
A	SCHEMATIC DESIGN	11.3.16
B	DESIGN DEVELOPMENT	12.2.17
C	[illegible]	3.30.17
D	CONSTRUCTION DOCUMENTS	4.18.17

Key Plan

Submittal Date
5.12.17

Sheet Title
ELEVATIONS

A5.14

5/23/2017 4:08:33 PM

ORDINANCE NO. 4603

AN ORDINANCE AMENDING THE CHARTER OF THE CITY OF ASHEVILLE TO PROVIDE FOR SIX SINGLE-MEMBER ELECTORAL DISTRICTS GOVERNING THE NOMINATION AND ELECTION OF CITY COUNCIL MEMBERS

WHEREAS, N.C. Gen. Stat. § 160A-101 provides that a city may alter its form of government, including the mode of election of the Council, by adopting one or a combination of the options prescribed in the statutes; and

WHEREAS, N.C. Gen. Stat. § 160A-102 provides that a city may amend its city charter by ordinance to implement any of the options set forth in N.C. Gen. Stat. § 160A-101, by following the procedure set forth in the statute; and

WHEREAS, the Asheville City Council is currently composed of six Council members and a mayor, all nominated and elected from the City at large, as provided in Section 6 of the Asheville City Charter; and

WHEREAS, on June 13, 2017, the Asheville City Council adopted Resolution No. 17-120, expressing its intent to consider an ordinance amending the Charter of the City of Asheville to provide for six single-member electoral districts governing the nomination and election of City Council members and setting a public hearing on the proposed charter amendments; and

WHEREAS, on June 27, 2017, the Asheville City Council held a public hearing to consider the proposed ordinance amendments, as set forth in the Resolution of Intent; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. Pursuant to N.C. Gen. Stat. §§ 160A-101 and 160A-102, the Charter of the City of Asheville is hereby amended to implement the amendments proposed in Resolution No. 17-120, as follows:

Section 6 of the Charter of the City of Asheville is amended to read as follows:

"Except as otherwise herein provided in this Charter, all powers of the city shall be vested in a council of a mayor and six councilmembers, all nominated and elected in the manner hereinafter provided. The City shall be divided into six, single-member, electoral districts, to govern the nomination and election of city council members. A candidate who seeks office shall represent the district in which the candidate resides. The qualified voters of each district shall nominate and elect candidates who reside in the district for the seat apportioned to that district. The mayor shall be nominated and elected from the City at large, in accordance with N.C. Gen. Stat. § 101(8)a. The mayor and members of the council, and all other officers, elected under the provisions of this Charter, shall at the time of their election be qualified electors of the City of Asheville. The term of the mayor and councilmembers shall begin at the first regular meeting of the city council next following their election as set forth hereinafter. The term of office of the mayor and six councilmembers shall be four years, and shall be so staggered that the terms of office of three councilmembers shall expire every two years. Said staggered terms shall begin following the election of 2019, with those

three persons elected to council who receive the highest number of votes of the entire council to serve four year terms to expire in 2023, and the other three persons elected to council to serve two year terms to expire in 2021. Commencing with the 2021 election, all terms of office for council members shall be four years. The person elected as mayor at the 2017 election shall serve a four year term of office, with the next Mayoral election being in 2021, and for four year terms thereafter. A mayor or member of council ceasing to possess any of the qualifications specified in this section, or the qualifications which applied at the time that person took office if different than here, shall immediately forfeit office."

Section 2. This ordinance shall be effective only upon approval by a vote of the people. A special election for the purpose of submitting this ordinance to a vote shall be held, as provided by resolution also adopted this day.

Section 3. If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Read, approved and adopted this 25th day of July, 2017.

Magdalen Bouleson
City Clerk

Esther E. Nash
Mayor

Approved as to form:

City Attorney

Magdalen Bouleson
City Clerk

ORDINANCE NO. 4604

ORDINANCE ESTABLISHING CONDITIONAL ZONING FOR PROPERTY LOCATED AT 1500 TUNNEL ROAD

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statues, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this proposed amendment is consistent with the City's 2025 Comprehensive Plan, Smart Growth policies, and other official plans of the City and is determined to be to be reasonable and in the public interest for the following reasons:

a) The project redevelops a blighted property; and
b) The pedestrian realm will be improved along Tunnel Road in this location; and, pros; and
c) The development of a hotel in this location fits with the existing surrounding development.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

The zoning classification of that certain real property described in Exhibit A and identified on Buncombe County tax maps as PIN 9678-15-1930 (2.52 acres), recorded in Deed Book 4678, Page 0038 and currently owned by Commodore Holdings LLC from Highway Business (HB) to Lodging Expansion Conditional Zoning District (LODG EXP -CZ) and Highway Business Density (HB). A copy of the official zoning map showing said lots is attached hereto as Exhibit "A" and made a part hereof. Said rezoning is subject to the conditions set out in Exhibit "B.1",

and substantially complies with the site plans shown in Exhibit "C", both attached hereto and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. The ordinances shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 5. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 25th day of July, 2017.

Magdalen Bouleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

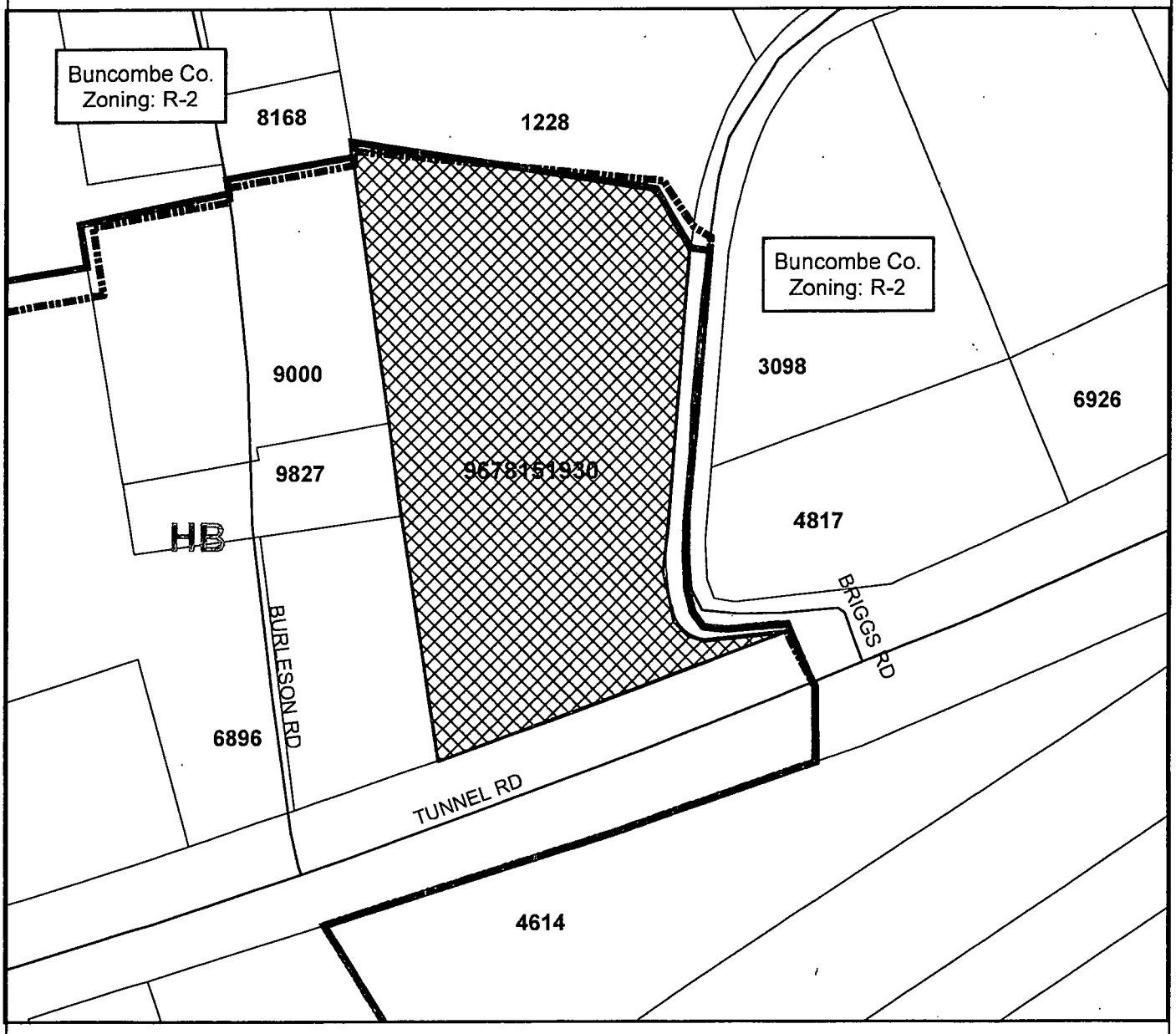
City Attorney

Magdalen Bouleson
City Clerk

City of Asheville - Exhibit A Map
Conditional Zoning Review
Hotel Krish - 1500 Tunnel Rd.

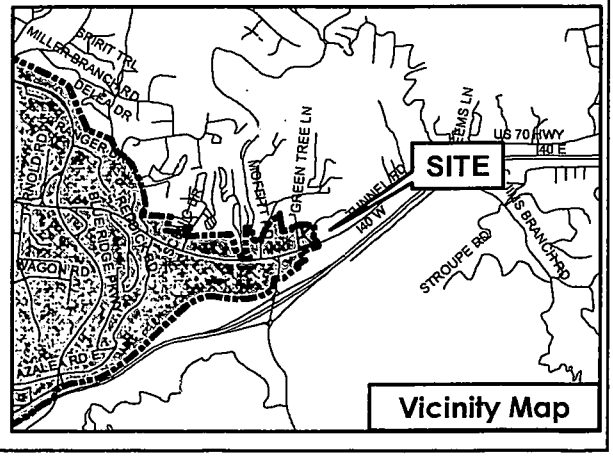
ASHEVILLE

N W E S



Project Name:	Conditional Zoning Review
Project Number:	17-03326PZ
Project Description:	Hotel Krish
Petitioner(s):	Commodore Holdings, LLC
Parcel ID Number(s):	9678-15-1930
Location/Address:	1500 Tunnel Road

Project Site
Parcels
Zoning Districts
Asheville City Limits
Streets
Streams



City of Asheville Planning and Urban Design Department - February 2017

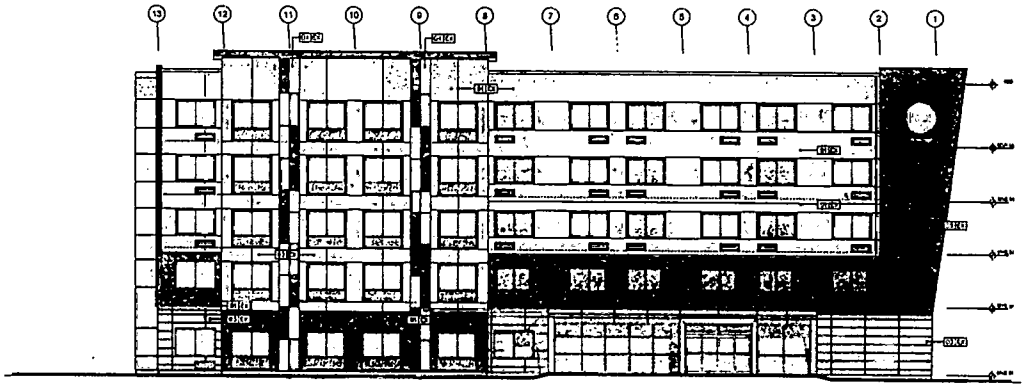
EXHIBIT B-1
CONDITIONS

1. The zoning designation for the property at 1500 Tunnel Road (1.8 acres, PIN 9678-15-1930; herein "Subject Property") is LODG EXP-CZ (Lodging Expansion Conditional Zone). A portion of PIN 9678-15-1930, .72 acre, will remain zoned Highway Business (HB) and will be subdivided from the parent tract. Future development of this new HB-zoned parcel will be subject to standards that are in place at the time of permitting.
2. The project shall consist of a new hotel, 43,000 sf, 62 feet in height, with 86 rooms, 90 parking spaces and associated support facilities and amenities (office, outdoor swimming pool, fitness room, etc.), as shown on the submitted site plan. No other uses shall be permitted.
3. The sidewalk along Tunnel Road shall be 5 feet in width, with a 5 foot wide planting strip between the sidewalk and the road. The walkway along the Tunnel Road leading up to the hotel, as shown on the site plan, shall be 5 feet wide.
4. There will be no sidewalk required along Briggs Rd. Instead, the developer will install the following public improvements: (a) the sidewalk along Tunnel Rd shall be extended to the eastern edge of Burleson Rd.; (b) improvements to the intersection of Burleson Rd with Tunnel Rd as necessary to bring the turning radius into compliance with DOT standards; (c) a pedestrian passage shall be installed across the eastern extremity of the Subject Property from the point where the driveway entering the Subject Property from the east intersects with Briggs Rd down to Tunnel Rd.; (d) landscaping shall be installed at the eastern edge of the Subject Property (where the corporate limit of the City of Asheville is), substantially in compliance with the submitted conceptual landscape plan; (e) the developer shall allow the City to place a "wayfinding" sign on the Subject Property, noting the eastern entrance into the City; and (f) the developer will pay $10,000 to the City at or before the issuance of the Certificate of Occupancy to be used to improve the bus infrastructure on Tunnel Road in the vicinity of the hotel.
5. With respect to any of the items listed in paragraph 4 (a) through (e), above, the City may elect to require the developer to pay an amount equal to the estimated cost of said item (as determined pursuant to standard construction cost estimating methodology) into a fund maintained by the City to be used to complete said item at such time as the City designates.
6. The developer will include an allowance in the project budget of up to $10,000 for works of local art in the public areas of the building, including a sculpture to be placed near the eastern point of the property, in an area visible to traffic on Tunnel Rd., signifying the entrance into the City. Proof of a binding contract(s) for this work must be provided prior to the issuance of a certificate of occupancy.
7. The hotel owner/operator will provide passes for Asheville's bus system for those employees who request them in order to travel to and from work at the hotel.
8. The hotel operation will comply with the "Green Lodging Profile" promulgated by the American Hotel and Lodging Association.

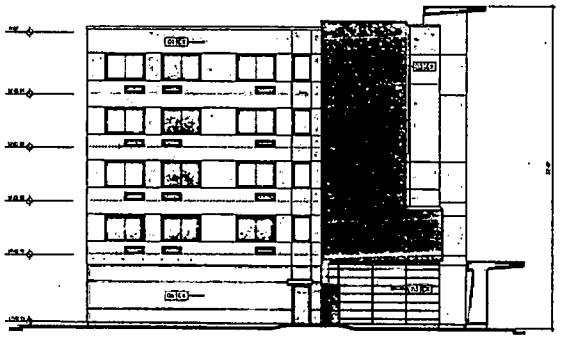
9. The applicant will install a fence that complies with UDO standards along the common property line between the hotel and the property abutting to the west (PIN No. 9678-06-9000) as shown on the approved site plan.
10. Building impact, retaining wall, property line buffer and street tree landscaping will meet UDO requirements approved as shown on site plans with final placement to be shown on the final site plans. Street trees along Tunnel Road must be approved by NC-DOT, if approval is required.
11. The building design, site design, construction materials, and orientation on site must substantially comply with the site plan attached hereto as Exhibit C and incorporated herein by reference and the final approved site plan that is incorporated into the zoning permit. Any major deviations from these plans will require an amendment to the zoning designation of the Subject Property in accordance with UDO procedures.
12. All legally required local, state, and federal permits and approvals must be obtained prior to initiation of construction and any pertinent legal requirements shall be met.

288

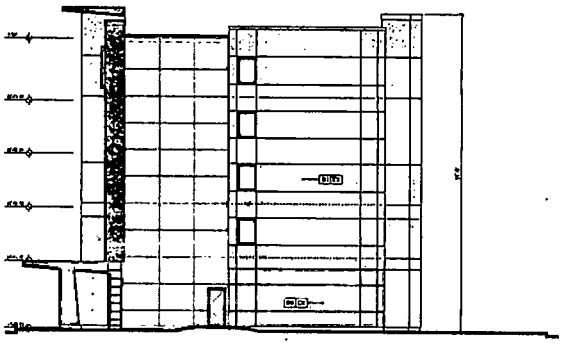
DEVELOPMENT DATA
HOTEL KRISH 1500 TUNNEL ROAD ASHEVILLE, NORTH CAROLINA OWNER/DEVELOPER: H.P PATEL COMMODORE HOLDINGS LLC 501 TUNNEL ROAD ASHEVILLE, NC 28805 (828) 713-4508 PROJECT PIN: 9678-15-1930 ZONING: HC (1) 5 STORY BUILDING - 86 ROOMS 62'-0" AT HIGHEST POINT OF ROOF)



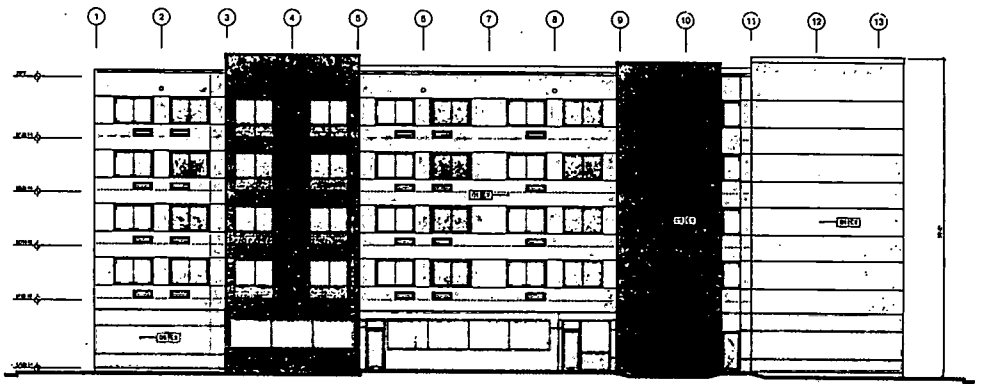
1 FRONT ELEVATION
SCALE: 1/8" = 1'-0"



2 LEFT SIDE ELEVATION
SCALE: 1/8" = 1'-0"



3 RIGHT SIDE ELEVATION
SCALE: 1/8" = 1'-0"



4 BACK ELEVATION
SCALE: 1/8" = 1'-0"

FINISH LEGEND:

EFS CLADDING SYSTEM (EX) - BASIS OF DESIGN - "OUTBULATION PLUS MD EIFS" BY DRYVIT SYSTEMS, INC.

PROVIDE EFB 1620 IMPACT MESH ASSEMBLY FOR LOWER 8'-0" OF WALL AREAS AT GRADE: BASIS OF DESIGN - DRYVIT "STANDARD" MFB1 OVER "PANZER 20 OZ." HIGH IMPACT MESH

COORDINATE FOR MINIMUM EXTERIOR CONTINUOUS INSULATION THICKNESS / R-VALUE REQUIREMENTS IN ACCORDANCE WITH ADOPTED ENERGY CODE REQUIREMENTS FOR ALL CLADDING AREAS.

01 EX	DRYVIT SYSTEMS: DARK FINISH
02 EX	DRYVIT SYSTEMS: MEDIUM FINISH
03 EX	DRYVIT SYSTEMS: LIGHT FINISH
04 EX	DRYVIT SYSTEMS: FINISH VARIES
05 EX	DRYVIT SYSTEMS
06 EX	DRYVIT SYSTEMS
07 EX	HIGH PRESSURE LAMINATE PANEL: DARK FINISH
08 EX	HIGH PRESSURE LAMINATE PANEL: LIGHT FINISH
09 EX	BENJAMIN MOORE EXTERIOR PAINT: 1580 NIGHTFALL/ HIGH GLOSS FINISH

Doors, Grand Entrance, and the dark color of the building: Benjamin Moore 1596 Nightfall
Main light, tan color of the building: Benjamin Moore 1465 Nimbus
Slated sides: TerraNao Polished Granite with color finish Dryvit #207 Glacier
Blue: Benjamin Moore 2059-40 Yosemite Blue (as a close approximation)
Tan wraparound on the bottom of the building: Benjamin Moore 1461 Sterling Silver

Wall of Colors:
Color 1: Benjamin Moore 2022-30 Bright Yellow
Color 2: Benjamin Moore 2059-40 Yosemite Blue
Color 3: Benjamin Moore 2048-60 Jamaican Aqua
Color 4: Benjamin Moore 2061-20 Champion Cobalt
Color 5: Benjamin Moore 2071-10 Exotic Purple

REVISIONS	DATE

PROPOSED HOTEL KRISH
1500 TUNNEL ROAD
ASHEVILLE, NORTH CAROLINA

DANIEL LEMBERG - ARCHITECT
3445 CONCORD CORNER
CONYERS, GA 30013
PHONE: 770-922-8322

DRAWN BY
DATE
JOB NO.
SHEET
A-2

ALL DRAWINGS ARE THE INTELLECTUAL PROPERTY OF DANIEL L. LEMBERG

LANDSCAPING CALCULATIONS, BUILDING IMPACT, REQUIRED: (1) TREE AND (5) EVERGREEN OR DECIDUOUS SHRUB PER 1,000 S.F. OF BUILDING FOOTPRINT

BUILDING FOOTPRINT = 8,140 S.F. REQUIRED PLANTING = (8) TREES AND (41) EVERGREEN AND DECIDUOUS SHRUBS
PROVIDED PLANTING = (8) TREES AND (41) EVERGREEN AND DECIDUOUS SHRUBS

BUILDING IMPACT PLANTINGS

KEY	TYPE	VARIETY (common name)	VARIETY (scientific name)	QTY.	SIZE
CS	SMALL DECIDUOUS	SERVICEBERRY	AMELANCHIER ARBOREA	4	1.0" MIN CALIPER, 6' MIN HT.
AH	TREE, EVERGREEN	AMERICAN HOLLY	ILEX OPACA	8	1.5" MIN CALIPER, 6' MIN HT.
MS	SHRUB, EVERGREEN	SWEET BAY	MAGNOLIA VIRGINIANA	6	18" MIN HT.
BO	SHRUB, DECIDUOUS	ELENGER DEUTZIA	DEUTZIA GRACILIS	6	18" MIN HT.
DF	SM. SHRUB, DECIDUOUS	DWARF FOTHERGILLA	FOTHERGILLA GARDENII	8	18" MIN HT.

CONTRACTOR SHALL VERIFY QUANTITIES WITH PLAN.

LANDSCAPING CALCULATIONS, VEHICULAR USE AREA (VUA) REQUIRED: (1) DECIDUOUS TREE AND (4) EVERGREEN OR DECIDUOUS SHRUB PER 1,000 S.F. OF VUA (70% OF TREES TO BE LARGE MATURING)

VUA = 44,983 S.F. REQUIRED PLANTING = (32) TREES (23 LARGE MATURING) AND (114) EVERGREEN AND DECIDUOUS SHRUBS
PROVIDED PLANTING = (32) TREES (18 LARGE MATURING) AND (112) EVERGREEN AND DECIDUOUS SHRUBS

PAVED VEHICULAR USE AREA PLANTINGS

KEY	TYPE	VARIETY (common name)	VARIETY (scientific name)	QTY.	SIZE
RM	LARGE DECIDUOUS	RED MAPLE	ACER RUBRUM	23	2.5" MIN CALIPER, 12' MIN HT.
OA	TREE, EVERGREEN	ORIENTAL ARBORVITAE	THUJA ORIENTALIS	7	1.5" MIN CALIPER, 6' MIN HT.
SB	SHRUB, EVERGREEN	SWEET BAY	MAGNOLIA VIRGINIANA	30	18" MIN HT.
BO	SHRUB, DECIDUOUS	ELENGER DEUTZIA	DEUTZIA GRACILIS	30	18" MIN HT.
CL	SM. SHRUB, EVERGREEN	OTTO LUYKEN	PRUNUS LAUROCERASUS	30	18" MIN HT.
DF	SM. SHRUB, DECIDUOUS	DWARF FOTHERGILLA	FOTHERGILLA GARDENII	23	18" MIN HT.

CONTRACTOR SHALL VERIFY QUANTITIES WITH PLAN.

LANDSCAPING CALCULATIONS, STREET TREES REQUIRED: (WITH OVERHEAD UTILITIES PRESENT) (1) SMALL MATURING TREE FOR EVERY 30 L.F. OF STREET FRONTAGE

275 L.F. FRONTAGE = (9) TREES (SMALL MATURING)

STREET TREE PLANTINGS

KEY	TYPE	VARIETY (common name)	VARIETY (scientific name)	QTY.	SIZE
SW	SMALL DECIDUOUS	SOURWOOD	OXYDENDRUM ARBOREUM	4	1.0" MIN CALIPER, 6' MIN HT.
RB	SMALL DECIDUOUS	REDBUD	CERCIS CANADENSIS	5	1.0" MIN CALIPER, 6' MIN HT.

CONTRACTOR SHALL VERIFY QUANTITIES WITH PLAN.

LANDSCAPING CALCULATIONS, RETAINING WALL PLANTINGS, REQUIRED: (1) EVERGREEN OR DECIDUOUS SHRUB FOR EACH 6 L.F. OF LINEAR LENGTH OF RETAINING WALL

RETAINING WALL LENGTH (TOTAL) = 484 L.F. REQUIRED PLANTING = (80) EVERGREEN AND DECIDUOUS SHRUBS
PROVIDED PLANTING = (80) EVERGREEN AND DECIDUOUS SHRUBS

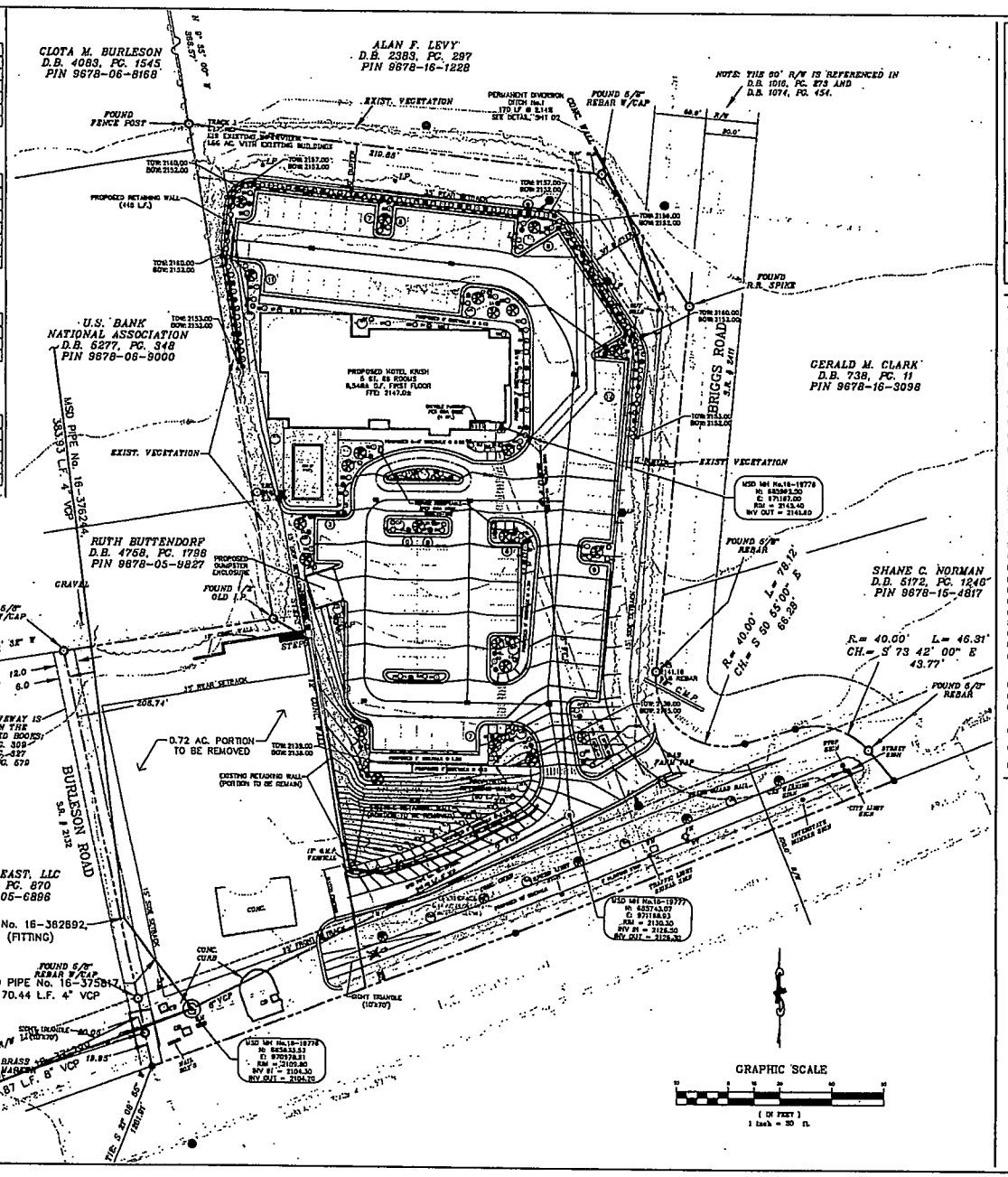
RETAINING WALL PLANTINGS

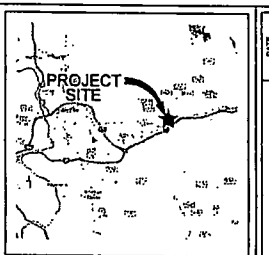
KEY	TYPE	VARIETY (common name)	VARIETY (scientific name)	QTY.	SIZE
SB	SHRUB, EVERGREEN	SWEET BAY	MAGNOLIA VIRGINIANA	22	18" MIN HT. (3 GALLON SIZE)
BO	SHRUB, DECIDUOUS	ELENGER DEUTZIA	DEUTZIA GRACILIS	22	18" MIN HT. (3 GALLON SIZE)
DF	SM. SHRUB, DECIDUOUS	DWARF FOTHERGILLA	FOTHERGILLA GARDENII	22	18" MIN HT. (3 GALLON SIZE)
CL	SM. SHRUB, EVERGREEN	OTTO LUYKEN	PRUNUS LAUROCERASUS	23	18" MIN HT.

CONTRACTOR SHALL VERIFY QUANTITIES WITH PLAN.

LEGEND

- PROPOSED P-1 — XX L.F. XX" CMP/HDPE, STA. XX+XX.XX, INV IN = XXXX.XX, INV OUT = XXXX.XX — PROPOSED CULVERT/INLET/MANHOLE LABEL
- PROPOSED SEWER MANHOLE
- PROPOSED SEWER LINE
- PROPOSED WATER HYDRANT
- PROPOSED WATER VALVE
- PROPOSED WATER LINE
- PROPOSED SILT FENCE
- EXISTING WATER LINE
- EXISTING SEWER LINE
- EXISTING SEWER MANHOLE
- LIMITS OF DISTURBANCE
- PROPOSED STORM PIPE
- PROPOSED INLET PROTECTION
- PROPOSED OUTLET DISSIPATOR
- TEMPORARY DIVERSION DITCH
- FLOW ARROW
- PROPOSED HEADWALL — PROPOSED HEADWALL REFERENCE LABEL
- PROPOSED CATCH BASINS — PROP. CATCH BASIN REFERENCE LABEL
- PROPOSED JUNCTION BOX — PROP. STORM JUNCTION REFERENCE LABEL
- EXISTING MAJOR CONTOUR
- EXISTING MINOR CONTOUR
- PROPOSED FENCE
- PROPOSED SPOT ELEVATION
- PROP. TOP OF BACK OF CURB ELEVATION
- EXISTING STORM
- EXISTING STORM WATER MANHOLE
- EXISTING CATCH BASIN
- EXIST. TOP OF BACK OF CURB ELEVATION
- TEMPORARY SEDIMENT BASIN
- BOUNDARY
- CURB AND GUTTER
- 36" OR 72" TRANSITION TO 0" CURB HEIGHT





VICINITY MAP
Not To Scale

PROJECT DATA

PROJECT:	HOTEL KRISH, 1500 TUNNEL ROAD, ASHEVILLE, NC 28805
DEVELOPER/FINANCIALLY RESPONSIBLE PARTY:	COMMODORE HOLDINGS, LLC, 601 TUNNEL ROAD, ASHEVILLE, NC 28805
CONTACT:	H.P. PATEL
CONTACT NUMBER:	(828) 713-4308
PROJECT PIN:	9678-15-1930
DEED BOOK:	4878/0036
ENGINEER:	MERCER DESIGN GROUP, PC, P.O. BOX 1516, WEAVERVILLE, NC 28787, 828-645-7000

SITE DATA

ZONING:	HB
SETBACKS:	FRONT: 35', SIDE: 0', REAR: 10'
SITE ACREAGE:	1.80 AC.
FEMA PANEL:	3700967800J (DATED 1-6-10) NO PORTION OF THIS PROJECT LIES WITHIN A FLOOD ZONE
EXISTING IMPERVIOUS AREA:	1.03 AC. (44,913 SF) 72%
PROPOSED IMPERVIOUS AREA:	1.63 AC. (71,325 SF) 83%
PROPOSED DISTURBED AREA:	1.98 AC.
PROPOSED BUILDING HEIGHT:	TBD
PROPOSED 1ST FLOOR SQ FTG:	13,3068 SF
PROPOSED BUILDING SQ FTG:	TBD SF TOTAL
PROPOSED NUMBER OF ROOMS:	88
PROPOSED NUMBER OF STAFF:	TBD
REQUIRED PARKING:	1/150 GUEST ROOMS+4 MISC. STAFF: 0.5/ GUEST ROOMS+4 MISC.
REQ'D ADA PARKING:	MIN 3, MAX 4 SP
PROVIDED PARKING:	80 SPACES (4 ADA INCL.)
BICYCLE PARKING REQUIRED:	6% OF VEHICLE PS = 4 SP PROVIDED: 4 SP (PER COA STANDARDS)
OPEN SPACE:	1.38 ACRES (0.77 AC. (33,581 SF) STATE, 0.46 AC. (19,963 SF) — 25.5% PROVIDED: 43.96 AC. (19,963 SF)
CUT/FILL VOLUMES:	4,119 YDS CUT, 793 YDS FILL NET: 3,326 YDS CUT
LATITUDE/LONGITUDE:	35°37'7.28"N/82°27'40.12"W

Call Before You Dig! NC 811

NO.	REVISIONS/SUBMISSIONS	DATE

NORTH CAROLINA PROFESSIONAL SEAL 019 ENGINEER MARVIN MERCER

Designed: JBM
Graphics: MDG
Checked: JBM/MM
Approved: JBM/MM
Scale: 1"=30'
Date: Jul 17, 2017 - 9:52am

MDG ENGINEERING EXCELLENCE CORP.
P.O. BOX 1516
WEAVERVILLE, NORTH CAROLINA 28787
P.828 645-7000
www.mdgpc.com

HOTEL KRISH
PROPOSED HOTEL

BUNCOMBE COUNTY — ASHEVILLE, NC

DRAWING TITLE: **LANDSCAPING PLAN**

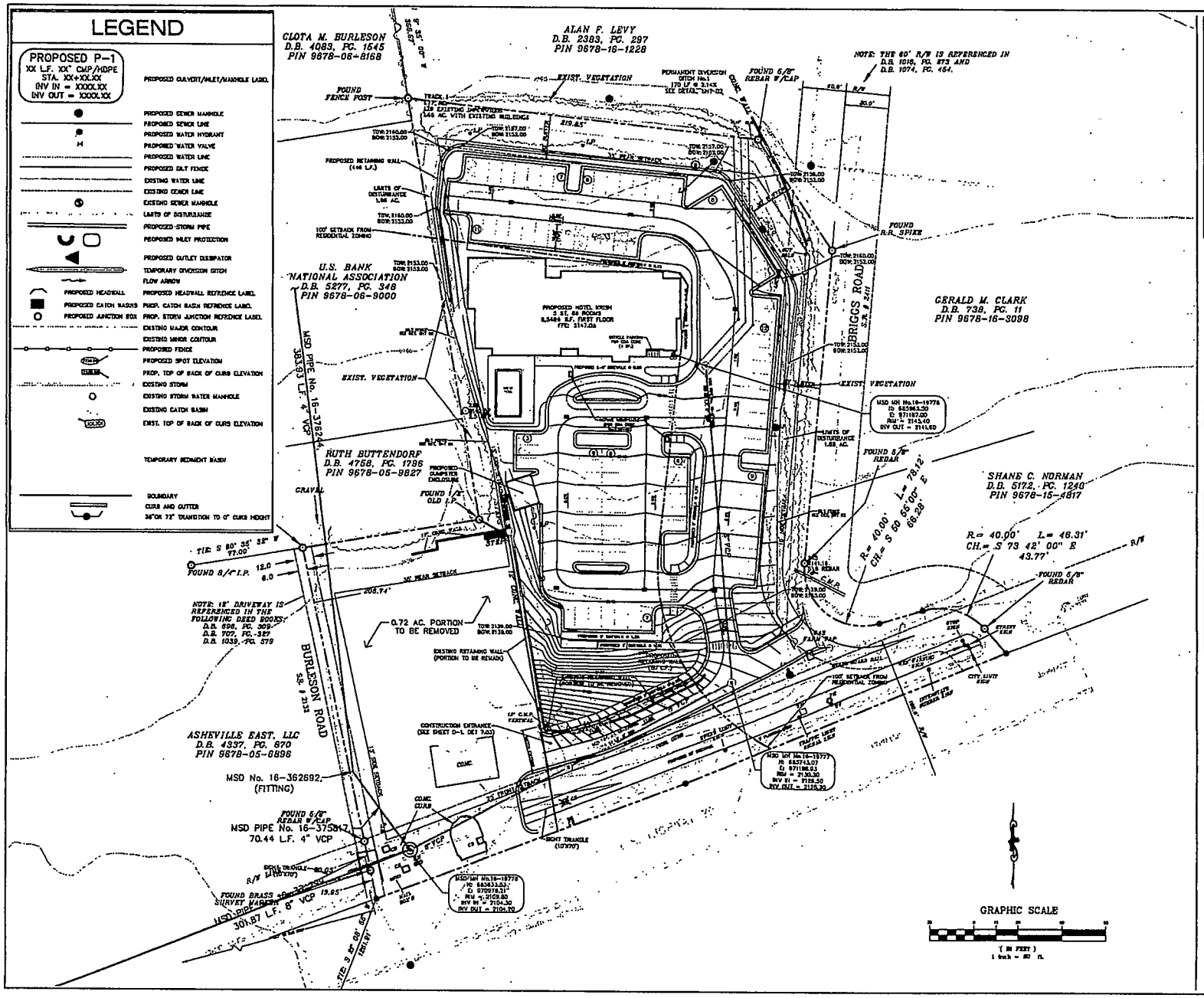
Sheet No.: NO OF
Sheet: L-1
Project No.: 16-042

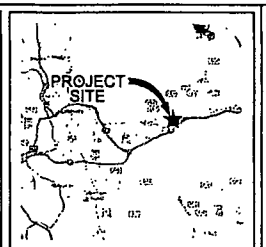
289

LEGEND

PROPOSED P-1
XX L.F. XX" CMP/HDPE
STA. XX+XX.XX
INV IN = XXXX.XX
INV OUT = XXXX.XX

- PROPOSED CULVERT/INLET/MANHOLE LABEL
- PROPOSED SEWER MANHOLE
- PROPOSED SEWER LINE
- PROPOSED WATER HYDRANT
- PROPOSED WATER VALVE
- PROPOSED WATER LINE
- PROPOSED SILT FENCE
- EXISTING WATER LINE
- EXISTING SEWER LINE
- EXISTING SEWER MANHOLE
- LIMITS OF DISTURBANCE
- PROPOSED STORM PIPE
- PROPOSED INLET PROTECTION
- PROPOSED OUTLET DISSIPATOR
- TEMPORARY DIVERSION DITCH
- FLOW ARROW
- PROPOSED HEADWALL — PROPOSED HEADWALL REFERENCE LABEL
- PROPOSED CATCH BASINS — PROP. CATCH BASIN REFERENCE LABEL
- PROPOSED JUNCTION BOX — PROP. STORM JUNCTION REFERENCE LABEL
- EXISTING MAJOR CONTOUR
- EXISTING MINOR CONTOUR
- PROPOSED FENCE
- PROPOSED SPOT ELEVATION
- PROP. TOP OF BACK OF CURB ELEVATION
- EXISTING STORM
- EXISTING STORM WATER MANHOLE
- EXISTING CATCH BASIN
- EXIST. TOP OF BACK OF CURB ELEVATION
- TEMPORARY SEDIMENT BASIN
- BOUNDARY
- CURB AND GUTTER
- 34"OR 72" TRANSITION TO 0" CURB HEIGHT





VICINITY MAP
Not To Scale

PROJECT DATA

PROJECT:	HOTEL KRISH 1500 TUNNEL ROAD ASHEVILLE, NC 28805
DEVELOPER/FINANCIALLY	COMMODORE HOLDINGS, LLC
RESPONSIBLE PARTY:	COMMODORE HOLDINGS, LLC 520 TUNNEL ROAD ASHEVILLE, NC 28805
CONTACT:	H.P. PATEL
CONTACT NUMBER:	(828) 713-4408
PROJECT #:	8678-15-1830
DEED BOOK:	4679/0036
ENGINEER:	MERGER DESIGN GROUP, PC P.O. BOX 1518 WEAVERVILLE, NC 28787 828-645-7065

SITE DATA

ZONING:	HB
SETBACKS:	FRONT: 30' SIDE: 0' REAR: 10'
SITE ACREAGE:	1.80 AC.
FEMA PANEL:	3700967500J (DATED 1-4-10)
NO PORTION OF THIS PROJECT LIES WITHIN A FLOOD ZONE	
EXISTING IMPERVIOUS AREA:	1.93 AC. (84,063 SF) 77%
PROPOSED IMPERVIOUS AREA:	1.63 AC. (71,323 SF) 63%
PROPOSED DISTURBED AREA:	1.88 ± AC.
PROPOSED BUILDING HEIGHT:	TBD
PROPOSED 1ST FLOOR SQ FTG:	13,208± SF
PROPOSED BUILDING SQ FTG:	TBD SF TOTAL
PROPOSED NUMBER OF ROOMS:	86
PROPOSED NUMBER OF STAFF:	TBD
REQUIRED PARKING:	1 PER 2 GUEST ROOMS + 6 MISC. MIN: 43 SPS MAX: 1 PER 1 GUEST ROOM + 6 MISC. MAX: 92 SPS
REQ'D ADA PARKING:	MIN 3, MAX 4 SP
PROVIDED PARKING:	89 SPACES (4 ADA INCL.)
BICYCLE PARKING: REQUIRED:	5% OF VEHICLE PS = 4 SP
PROVIDED:	4 SP (PER DOA STANDARDS)
OPEN SPACE:	REQUIRED: 0.37 AC. (16,121 SF) PROVIDED: 0.37 AC. (16,121 SF)
CUT/FILL VOLUMES:	4,118 YDS CUT, 783 YDS FILL NET: 3,335 YDS CUT
LATITUDE/LONGITUDE:	35°37'36"N/82°37'40.12"W

NO.	REVISIONS/SUBMISSIONS	DATE

PRINT DATE BELOW

DRAWING NAME

Jul 14, 2017 - 8:50am

NORTH CAROLINA PROFESSIONAL SEAL 027743 ENGINEER JAMES MARTIN KEISLER

Dsn grnd:	JKM
Drawn:	MDG
Checked:	JHM/MM
Reviewed:	JHM/MM
Scale:	1"=20'
Date:	Jul 14, 2017 - 8:50am

MDG ENGINEERING EXCELLENCE
C-1341

HOTEL KRISH
PROPOSED HOTEL

BUNCOMBE COUNTY — ASHEVILLE, NC

DRAWING TITLE: **SITE PLAN**

Sheet No.: NO OF
Sheet: C-1
Project No: 16-042

Call 811 Before You Dig

290
+
291

292

ORDINANCE NO. 4605

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 22nd day of August, 2017.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

PURPOSE: FY 17 - Asphalt Paving Improvements – Contract 2

Magdalen Burleson
City Clerk

CITY OF ASHEVILLE

BUDGET AMENDMENT

FISCAL YEAR	EFFECTIVE DATE
2017/18	8/22/2017

Amendment to	____ Operating X Capital or Grant (Special Revenue)
Purpose	Low bid contract for FY 17 Asphalt Pavement Improvements - Resurfacing (Contract 2)
Requesting Department	Public Works

				Beginning Budget	New Budget	Increase or (Decrease) By
Fund	Stormwater Fund			150,000.00	104,062.00	(45,938.00)
Revenue	Contracted Services					
Acct #	62400320	521001				
	Org	Obj	Project			
Fund	Stormwater Fund			650,000.00	695,938.00	45,938.00
Expend.	Transfer to General Capital Projects Fund					
Acct #	62490320	800410				
	Org	Obj	Project			
Fund	General Capital Projects Fund			0.00	45,938.00	45,938.00
Revenue	Oper Transfer from Stormwater Fund					
Acct #	41093002	498639	K1701			
	Org	Obj	Project			
Fund	General Capital Projects Fund			2,846,964.00	2,892,902.00	45,938.00
Expend.	Infrastructure					
Acct #	41003002	615101	K1701			
	Org	Obj	Project			

BALANCE 0.00

294

ORDINANCE NO. 4606

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 22nd day of August, 2017.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

PURPOSE: Montford Park Complex Bond Project

Magdalen Burleson
City Clerk

CITY OF ASHEVILLE

BUDGET AMENDMENT

FISCAL YEAR	EFFECTIVE DATE
2017/18	8/22/2017

Amendment to	____ Operating X Capital or Grant (Special Revenue)
Purpose	Technical capital project budget amendment to move funding for the design of the Montford Park Complex from the General Fund to the General Capital Projects Fund
Requesting Department	Capital Projects

				Beginning Budget	New Budget	Increase or Decrease By
Fund	General					
Revenue	Professional Services					
Acct #	11008003	521002		52,911.00	0.00	(52,911.00)
	Org	Obj	Project			
Fund	General					
Expend.	Transfer to General Cap. Proj. Fund					
Acct #	11098003	800410		0.00	(52,911.00)	(52,911.00)
	Org	Obj	Project			
Fund	General Capital Projects Fund					
Revenue	Oper. Transfer from General Fund					
Acct #	41090513	498100	X1707	0.00	52,911.00	52,911.00
	Org	Obj	Project			
Fund	General Capital Projects Fund					
Expend.	Professional Services					
Acct #	41000513	521002	X1707	0.00	52,911.00	52,911.00
	Org	Obj	Project			

BALANCE 0.00

296

ORDINANCE NO. 4607

ORDINANCE ESTABLISHING CONDITIONAL ZONING FOR PROPERTY LOCATED AT 49 TUNNEL ROAD

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statues, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this proposed amendment is consistent with the City's 2025 Comprehensive Plan, Smart Growth policies, and other official plans of the City for the reasons set out in the Staff Report, which is hereby adopted and incorporated by reference; and

WHEREAS, this development proposal is an amendment to a previously approved conditional zoning recorded as Ordinance 4548; and

WHEREAS, this proposed ordinance is determined to be reasonable and in the public interest as follows:

a. Project provides vertical development on a site that is currently surface parking;
b. Design integrates landscaping thereby reducing the impervious surface area
c. The use is along a commercial corridor and transit line where lodging uses are anticipated and appropriate
d. Project incorporates more than the required amount of open space by integrating green roof designs

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

The zoning classification of that certain real property described in Exhibit A and identified on Buncombe County tax maps as PIN 9649-90-6228 recorded in Deed Book 2678, Page 169 and currently owned by Milestone 1, LLC from Regional Business District to Lodging Expansion

Conditional Zone district. A copy of the official zoning map showing said lots is attached hereto as Exhibit "A" and made a part hereof. Said rezoning is subject to the conditions set out in Exhibit "B.1", and substantially complies with the site plans shown in Exhibit "C", both attached hereto and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. The ordinances shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 5. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 22nd day of August, 2017.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

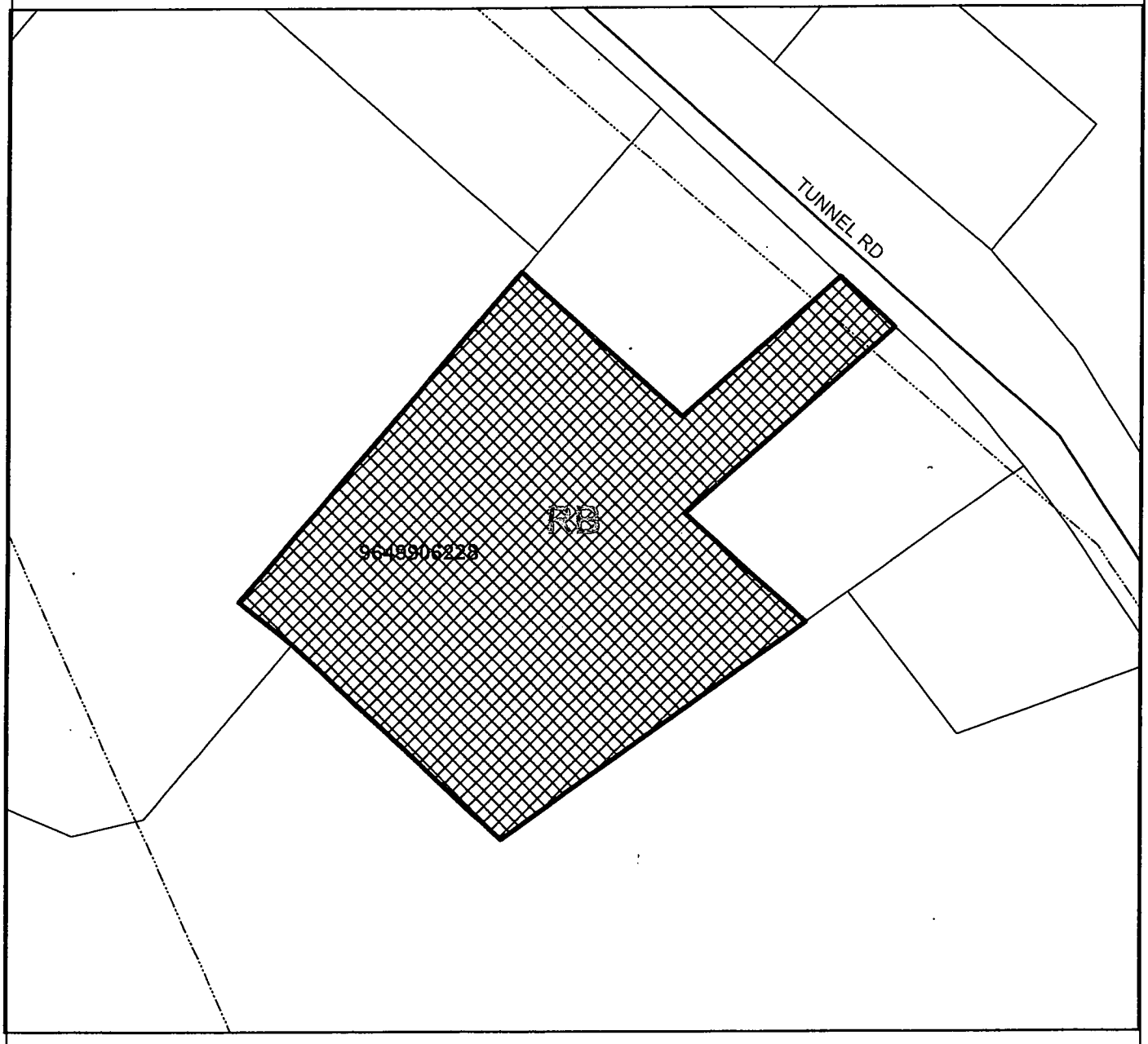
Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

298

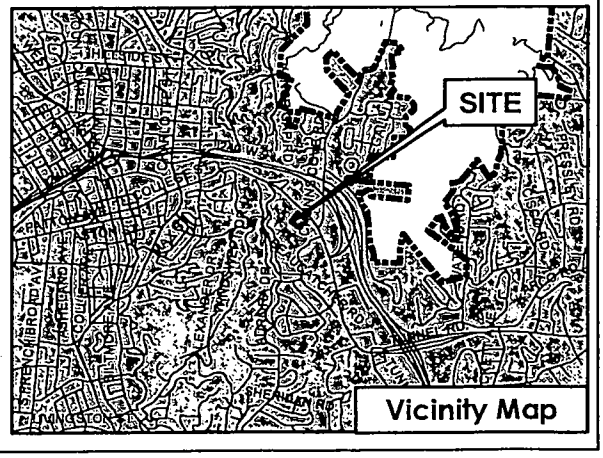
City of Asheville - Exhibit A Map
Conditional Zoning - Candlewood Suites



Project Name: Candlewood Suites
Project Number: 17 - 04104 PZ
Project Description: Lodging Expansion CZ
Petitioner(s): Milestone 1 LLC
Parcel ID Number(s): 9649-90-6228

Location/Address: 49 Tunnel Road

Project Site
Parcels
Asheville City Limits
Zoning Districts
Streets
River Areas



City of Asheville Planning and Urban Design Department - May 2017

49 Tunnel Road Hotel

Exhibit B.1 – Conditions List

1. The zoning for the site is Lodging Expansion District – Conditional Zone (LODG EXP-CZ).

2. The approval is for a new five story hotel with not more than 103 guest rooms and not more than 102 parking spaces.

3. A new six foot sidewalk shall be constructed along the shared driveway from Tunnel Road to the hotel use as well as a six-foot wide bike lane. The developer shall provide a pedestrian crossing to the neighboring parcel at 51 Tunnel Road (McDonalds) and steps to the neighboring parcel at 29 Tunnel Road (Ingles). All of these features are shown on the approved site plan.

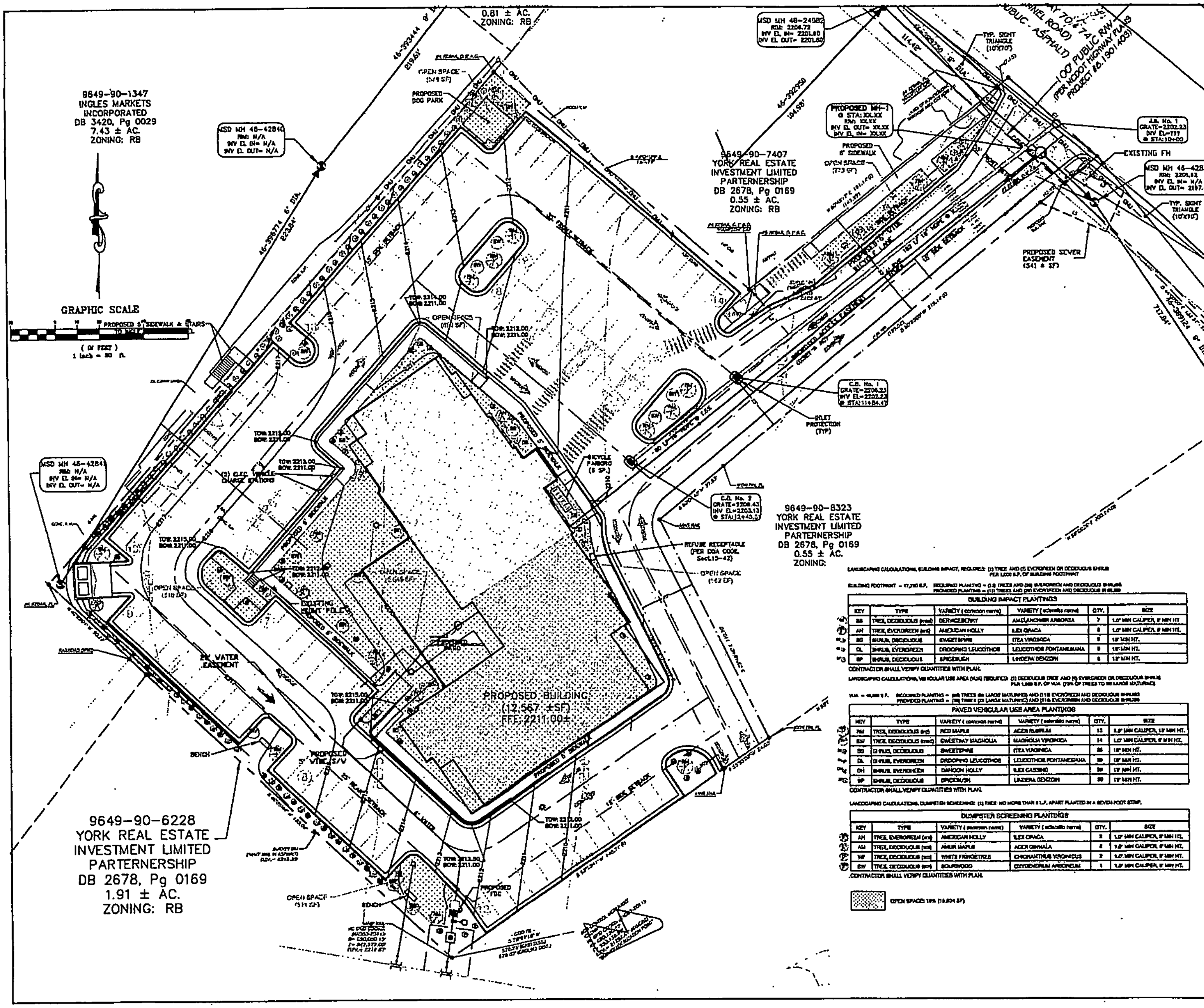
4. Project provides 15,834 square feet (19% of the project site) as open space, with a hardscaped patio, dog park and green roof features.

5. Landscaping will meet the requirements of the UDO and includes building impact, vehicular use area and dumpster screening in compliance with the approved landscape plan.

6. Signage shall comply with the allowances for similar uses in the Regional Business zoning district.

7. The building design, site design, construction materials and orientation on site must substantially comply with the approved site plan which is incorporated herein by reference. Any major deviations from these plans will require an amendment to the approved plan.

8. All legally required local, state, and federal permits and approvals must be obtained prior to initiation of construction and any pertinent legal requirements shall be met.



LANDSCAPING CALCULATIONS, BUILDING IMPACT, REQUIRED: (1) TREE AND (5) EVERGREEN OR DECIDUOUS SHRUBS PER 1,000 S.F. OF BUILDING FOOTPRINT

BUILDING FOOTPRINT = 17,730 S.F. REQUIRED PLANTING = (13) TREES AND (89) EVERGREEN AND DECIDUOUS SHRUBS
PROVIDED PLANTING = (13) TREES AND (89) EVERGREEN AND DECIDUOUS SHRUBS

BUILDING IMPACT PLANTINGS					
KEY	TYPE	VARIETY (common name)	VARIETY (scientific name)	QTY.	SIZE
SB	TREE, DECIDUOUS (small)	SERVICEBERRY	AMELANCHIER ARBOREA	7	1.0" MIN CALIPER, 8' MIN HT.
AH	TREE, EVERGREEN (small)	AMERICAN HOLLY	ILEX OPACA	6	1.0" MIN CALIPER, 8' MIN HT.
SG	SHRUB, DECIDUOUS	SWEETSPIRE	ITEA VIRGINICA	9	18" MIN HT.
DL	SHRUB, EVERGREEN	DROOPING LEUCOTHOE	LEUCOTHOE FONTANESIANA	9	18" MIN HT.
SP	SHRUB, DECIDUOUS	SPICEBUSH	LINDERA BENZOIN	8	18" MIN HT.

CONTRACTOR SHALL VERIFY QUANTITIES WITH PLAN.

LANDSCAPING CALCULATIONS, VEHICULAR USE AREA (VUA) REQUIRED: (1) DECIDUOUS TREE AND (4) EVERGREEN OR DECIDUOUS SHRUBS PER 1,000 S.F. OF VUA (75% OF TREES TO BE LARGE MATURING)

VUA = [illegible] S.F. REQUIRED PLANTING = [illegible] TREES ([illegible] LARGE MATURING) AND (116) EVERGREEN AND DECIDUOUS SHRUBS
PROVIDED PLANTING = [illegible] TREES ([illegible] LARGE MATURING) AND (116) EVERGREEN AND DECIDUOUS SHRUBS

PAVED VEHICULAR USE AREA PLANTINGS					
KEY	TYPE	VARIETY (common name)	VARIETY (scientific name)	QTY.	SIZE
RM	TREE, DECIDUOUS (lrg)	RED MAPLE	ACER RUBRUM	13	2.5" MIN CALIPER, 12' MIN HT.
SW	TREE, DECIDUOUS (med)	SWEETBAY MAGNOLIA	MAGNOLIA VIRGINICA	14	1.0" MIN CALIPER, 8' MIN HT.
SG	SHRUB, DECIDUOUS	SWEETSPIRE	ITEA VIRGINICA	[illegible]	18" MIN HT.
DL	SHRUB, EVERGREEN	DROOPING LEUCOTHOE	LEUCOTHOE FONTANESIANA	[illegible]	18" MIN HT.
DH	SHRUB, EVERGREEN	DAHOON HOLLY	ILEX CASSINE	[illegible]	18" MIN HT.
SP	SHRUB, DECIDUOUS	SPICEBUSH	LINDERA BENZOIN	[illegible]	18" MIN HT.

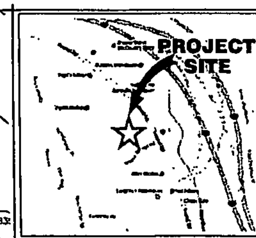
CONTRACTOR SHALL VERIFY QUANTITIES WITH PLAN.

LANDSCAPING CALCULATIONS, DUMPSTER SCREENING: (1) TREE NO MORE THAN 8 L.F. APART PLANTED IN A SEVEN-FOOT STRIP.

DUMPSTER SCREENING PLANTINGS					
KEY	TYPE	VARIETY (common name)	VARIETY (scientific name)	QTY.	SIZE
AH	TREE, EVERGREEN (sm)	AMERICAN HOLLY	ILEX OPACA	2	1.0" MIN CALIPER, 8' MIN HT.
AM	TREE, DECIDUOUS (sm)	AMUR MAPLE	ACER GINNALA	2	1.0" MIN CALIPER, 8' MIN HT.
WF	TREE, DECIDUOUS (sm)	WHITE FRINGETREE	CHIONANTHUS VIRGINICUS	2	1.0" MIN CALIPER, 8' MIN HT.
SW	TREE, DECIDUOUS (sm)	SOURWOOD	OXYDENDRUM ARBOREUM	1	1.0" MIN CALIPER, 8' MIN HT.

CONTRACTOR SHALL VERIFY QUANTITIES WITH PLAN.

OPEN SPACE: 19% (15,834 SF)



VICINITY MAP
Not To Scale

PROJECT DATA

PROJECT:	CANDLEWOOD SUITES
DEVELOPER/FINANCIALLY RESPONSIBLE PARTY:	PATEL, TRICKLE
CONTACT NUMBER:	(828) 421-5403
ADDRESS:	49 TUNNEL RD. ASHEVILLE, NC 28805
PROJECT PIN:	9649-90-6228
DEED BOOK:	2678/0169
ENGINEER:	MERCER DESIGN GROUP, PC P.O. BOX 1518 ASHEVILLE, NC 28804 828-645-7060

SITE DATA

PROJECT PIN: 9649-90-6228
DEED BOOK/PAGE: 2678/0169
PARCEL........1.910 AC±
BUILDING FOOTPRINT SIZE......56,582 SF (GFA)
NUMBER OF ROOMS........103
EXISTING IMPERVIOUS AREA........81,524 ± SF (98.0%)
PROPOSED IMPERVIOUS AREA........64,157 ± SF (77.1%)
PROPOSED PERVIOUS AREA........19,012 ± SF (22.9%)
ZONING........LODGING EXPANSION
SETBACKS........35' FRONT
15' SIDE
25' REAR
SITE DATUM: NAD 83 / NAVD-88
FEMA PANEL: 3700964000J (DATED 1-6-2010)
NO FEATURES IN VICINITY
LATITUDE/LONGITUDE........35.59326N, 82.53406W
DISTURBED AREA........ON-SITE = 1.91 AC±
PARKING SPACES: 9'X18' W/24' DRIVING LANES (8'X18' ADA AISLES)
REQUIRED PARKING: MIN. 1 PS/2 GUEST ROOMS+4 MISC. STAFF= 58 SP
MAX. 1 PS/1 GUEST ROOMS+4 MISC. STAFF= 107 SP
REQ'D ADA PARKING: MIN 3, MAX 5 SP
PROVIDED PARKING: 100 SPACES (5 ADA INCL. & 2 ELEC. VEHICLE CHARGING STATIONS)
BICYCLE PARKING: REQUIRED: 5% OF VEHICLE PS = 6 SP
OPEN SPACE REQUIRED: 15%, PROVIDED: 19.0% (15,834 SF)
TRASH CANS: DUMPSTER LOCATED BEHIND HOTEL
REFUSE RECEPTACLES: IN PARKING LOT, IN FRONT OF AND BEHIND HOTEL
WATER: COA
SEWER: MSD

NO.	REVISIONS/SUBMISSIONS	DATE

PRINT DATE BELOW
DRAWING NAME

NORTH CAROLINA PROFESSIONAL SEAL 027782 ENGINEER JAMES MARVIN MERCER

Designed:	JHM
Graphics:	MDG
Checked:	JHM/JHM
Reviewed:	JHM/JHM
Scale:	1"=20'
Date:	Aug 10, 2017 - 1:31pm

MDG
ENGINEERING EXCELLENCE

CANDLEWOOD SUITES-TUNNEL ROAD
ASHEVILLE, NORTH CAROLINA
BUNCOMBE COUNTY
DRAWING TITLE:
LANDSCAPING PLAN

North Carolina 811

Sheet No:	OF NO
Sheet:	L-1
Project No:	17-057

300

ORD NANCE NO. 4608

ORDINANCE AMENDING CHAPTER 7 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE TO INCENTIVIZE SMALL-SCALE RESIDENTIAL DEVELOPMENT

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety, and welfare; and

WHEREAS, the Unified Development Ordinance (Chapter 7 of the City Code of Ordinances) specifies minimum dimensional standards for single and multifamily development; and

WHEREAS, the Comprehensive Plan encourages compatible residential infill while considering infrastructure needs; and

WHEREAS, this revision aligns with City Council's goals for a diverse range of housing choices available city-wide to meet the needs of a growing community; and

WHEREAS, this Ordinance is determined to be reasonable, in the public interest, and is consistent with the Comprehensive Plan in the following ways:

1. The amendment promotes more abundant and varied housing options in residential neighborhoods; and
2. The amendment supports walkable neighborhoods and more efficient land use through compatible residential infill.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1: Chapter 7 of the Code of Ordinances of the City of Asheville is hereby amended as follows:

a. Section 7-2-5 is amended by adding /replacing the following definitions:

"*Dwellings, duplex* means a building that contains two dwelling units on one lot. The units must share a common wall, floor, or ceiling.

Dwellings, multi-family means any building or buildings which contain more than two residential dwelling units on a single lot including, but not limited to, apartment houses and condominiums.

Flag lot means a parcel of land shaped like a flag with access to the bulk of the area of the lot being provided by a narrow strip connecting to a publically maintained street or a private street built to public standards, and meeting the dimensional standards in this chapter.

Multi-family residential building means a building containing three or more dwelling units."

302

b. Section 7-8-1(d) is amended by removing from the *Table of Permitted Uses* under Dwellings, Duplex under RS2, RS4, RS8:

"S/C"

c. Section 7-8-1(d) is amended by deleting from the *Table of Permitted Uses*, the following two rows in their entirety:

"Dwellings, Triplex

Dwellings Quadraplex"

d. Section 7-8-1(d) is amended by adding to the *Table of Permitted Uses* under Dwellings, Townhouse under RS8:

"P"

e. Sections 7-8-2(f)(1), (4), (7) and (9) are amended in the following ways:

"(1) *Density standards.* Density in the RS-2 District shall be determined by the minimum lot size standards.

(4) *Lot width standards.* Lots in the RS-2 District shall have a minimum width of 80 feet.

(7) *Height standards.* The maximum height of structures in the RS-2 District shall be 40 feet.

(9) *Parking/loading standards.* Parking and loading facilities shall be provided as required by section 7-11-2 of this chapter. No parking shall be permitted within any required front setback other than that which would occur on an approved driveway."

f. Sections 7-8-3(f)(1), (4), and (9) are amended in the following ways:

"(1) *Density standards.* Density in the RS-4 shall be determined by the minimum lot size standards.

(4) *Lot width standards.* Lots in the RS-4 District shall have a minimum width of 60 feet.

(9) *Parking/loading standards.* Parking and loading facilities shall be provided as required by section 7-11-2 of this chapter. No parking shall be permitted within any required front setback other than that which would occur on an approved driveway."

g. Sections 7-8-4(f)(1), (4), and (9) are amended in the following ways:

"(1) *Density standards.* Density in the RS-8 District shall be determined

by the minimum lot size standards.

(4) *Lot width standards.* Lots in the RS-8 District shall have a minimum width of 40 feet.

(9) Parking/loading standards. Parking and loading facilities shall be provided as required by section 7-11-2 of this chapter. No parking shall be permitted within any required front setback other than that which would occur on an approved driveway."

h. Sections 7-8-5(a) is amended in the following way:

"*Purpose.* It is the intent of the RM-6 Residential Multi-Family Low Density District to permit a limited range of low density multi-family housing types along with single-family detached and attached dwellings. This district is intended to provide a transitional area between single lower- and multi-family higher-density areas, and to provide a compatible mixture of these various housing types. Non-residential development normally required to provide the basic elements of a balanced and attractive residential area is also permitted."

i. Sections 7-8-5(f)(1-5), (9) and (13) are amended in the following ways:

"(1) *Density standards.* The maximum residential density in the RM-6 district shall be two dwelling units for the first 7,000 square feet of lot area and an additional dwelling unit may be provided for each 1,000 square feet of lot area in excess of the minimum lot standard.

(2) Structure Size. New multifamily structures shall have a building footprint of not more than 4,000 square feet and a gross floor area of not more than 12,000 square feet.

(3) *Lot size standards.* The minimum lot size in the RM-6 District shall be 7,000 square feet.

(4) *Lot width standards.* Lots in the RM-6 District shall have a minimum width of 60 feet.

(5) *Setback standards.* The following minimum setbacks shall be required for uses in the RM-6 District.

Front: 15 ft.

Side: 6 ft.

Rear: 15 ft.

(9) *Parking/loading standards.* Parking and loading facilities shall be provided as required by section 7-11-2 of this chapter. No parking shall be permitted in any required front setback other than that which would occur on an approved driveway.

(13) *Design and operation standards.* Multifamily development in RM-6 shall comply with design standards as required in section 7-10-8."

j. Sections 7-8-6(f)(1-5), (9), and (13) are amended in the following ways:

"(1) *Density standards.* The maximum residential density in the RM-8 District shall be two dwelling units for the first 5,000 square feet of lot area and an additional dwelling unit may be provided for each 1,000 square feet of lot area in excess of the minimum lot standard.

(2) *Structure size standards.* New multifamily structures shall have a building footprint of not more than 4,000 square feet and a gross floor area of not more than 12,000 square feet.

(3) *Lot size standards.* The minimum lot size in the RM-8 District shall be 5,000 square feet.

(4) *Lot width standards.* Lots in the RM-8 District shall have a minimum width of 40 feet.

(5) *Setback standards.* The following minimum setbacks shall be required for uses in the RM-8 District.

Front: 15 ft.

Side: 6 ft.

Rear: 15 ft.

(9) *Parking/loading standards.* Parking and loading facilities shall be provided as required by section 7-11-2 of this chapter. No parking shall be permitted in any required front setback other than that which would occur on an approved driveway.

(13) *Design and operation standards.* Multifamily development in RM-8 shall comply with design standards as required in section 7-10-8."

k. Sections 7-8-7(f)(1-5), (9) and (13) are amended in the following ways:

"(1) *Density standards.* The maximum residential density in the RM-16 District shall be two dwelling units for the first 3,500 square feet of lot area and an additional dwelling unit may be provided for each 1,000 square feet of lot area in excess of the minimum lot standard.

(2) *Structure size standards.* New multifamily structures shall have a building footprint of not more than 4,000 square feet and a gross floor area of not more than 12,000 square feet.

(3) *Lot size standards.* The minimum lot size shall be 3,500 square feet.

(4) *Lot width standards.* Lots in the RM-16 District shall have a minimum width of 40 feet.

(5) *Setback standards.* The following minimum setbacks shall be required for uses in the RM-16 District.

Front: 15 ft.

Side: 6 ft.

Rear: 15 ft.

(9) *Parking/loading standards.* Parking and loading facilities shall be provided as required by section 7-11-2 of this chapter. No parking shall be permitted in any required front setback other than that which would occur on an approved driveway.

(13) *Design and operation standards.* Multifamily development in RM16 shall comply with design standards as required by section 7-10-8."

l. Section 7-10-1(b) is amended as follows:

"(b) *Single-family dwellings.* There shall be no more than one single-family dwelling on an individual lot in a single-family residential zoning district, unless otherwise provided in this chapter. This requirement does not affect the use of accessory dwelling units in conjunction with the standards set forth in this chapter."

m. Article X is amended by adding a new section 7-10-7:

"Reserved. "

n. Article X is amended by adding a new section 7-10-8 as follows:

"Sec. 7-10-8. Neighborhood-scale multifamily design standards.

a. *Purpose.* Neighborhood-scale multifamily design standards apply to multifamily developments in RM6, RM8, or RM16 zoning districts and are intended to be compatible with the character of residential neighborhoods.

b. *Applicability.* These design standards shall apply to all new multifamily construction and building expansions located in RM6, RM8, and RM16 zoning districts resulting in structures with a minimum of three up to a maximum of 12 dwelling units and/or expansion of parking lots.

c. *Maximum number of units per building.* The maximum number of units per multifamily structure in the RM6, RM8, and RM16 zoning district shall be 12 units.

d. *Design standards.*

306

1. There shall be no more than one ground level entrance per street-facing façade. An entrance may be in the form of a recessed foyer and include multiple doors.
2. A minimum of two windows are required per building façade, making up at least 15% of the area of any street-facing façade.
3. No street-facing façade shall exceed 50 feet in length without at least a two foot change in the horizontal wall plane.
4. Street-facing roofs that exceed 50 feet in length shall be subject to the following standards based on the type of roof provided:

   a. Sloped roofs shall provide one or more of the following:

   - a two foot horizontal variation in the roofline, or
   - a roof element, that includes one of the following: dormer, cupola, gable, hip detail, or roof projections

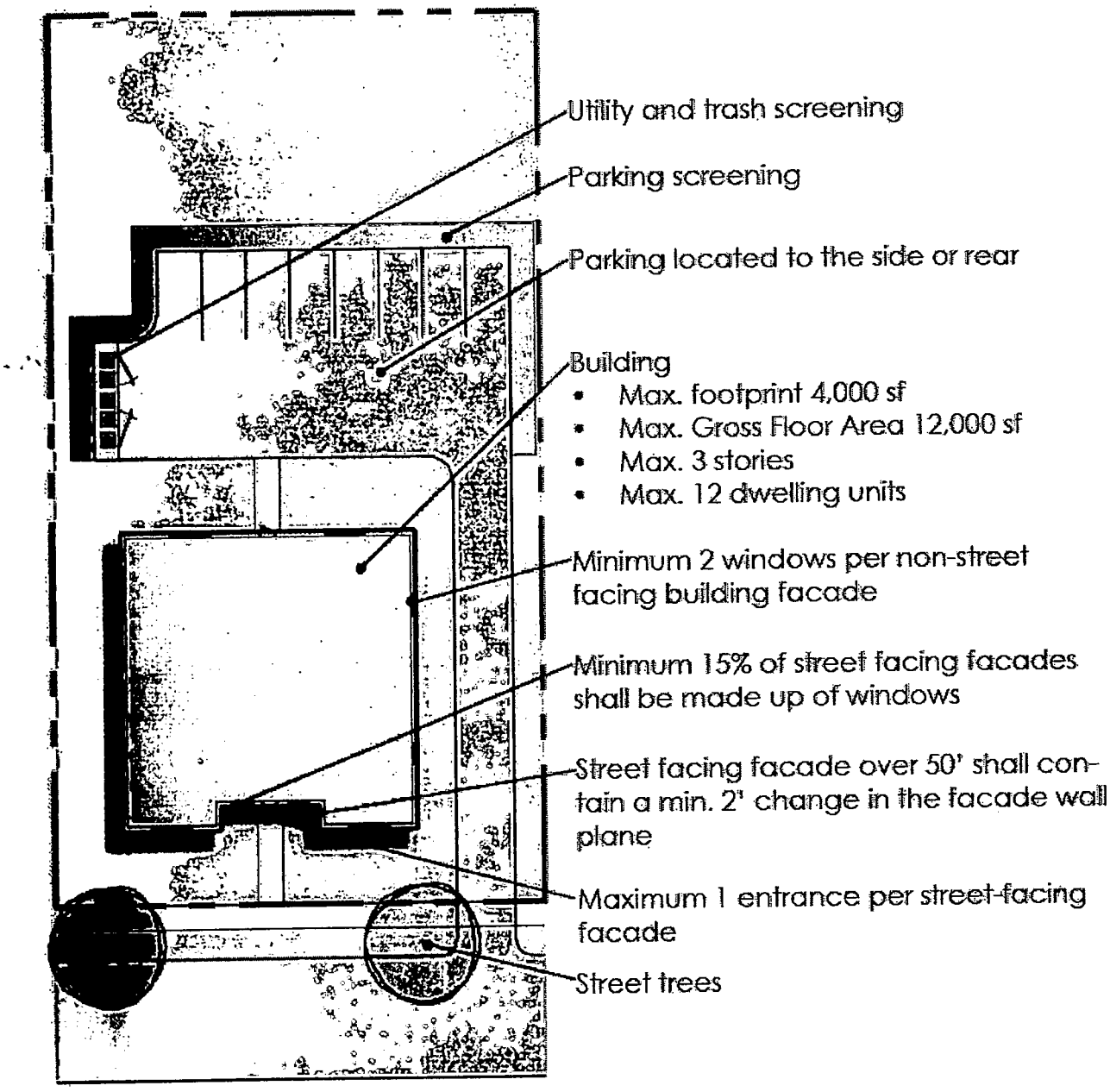
   b. Flat roofs shall provide a cornice or other decorative band shall be provided to serve as a building cap for the entire roof. In addition, a minimum two foot vertical variation shall be provided for at least 15% of the length of the façade.

5. Parking shall be provided to the side or rear and not closer to the street than the street-facing facade of the structure.
6. Parking lots with more than four spaces shall be screened when adjacent to a single-family use. Screening shall include:

   a. A mix of evergreen and deciduous trees and shrubs to result in a vegetative screen that is 75 percent opaque year round and planted in a minimum five foot-wide planting strip, or

   b. A fence or wall with a minimum height of six feet with the finished side of the fence facing the abutting property or street. Fences longer than 25 linear feet shall be landscaped with trees and/or shrubs planted in a minimum five-foot planting area, except around access areas, spaced no farther than eight feet apart in order to screen at least 50 percent of the fence or wall. Placement of such fence shall be on the development side of the required five-foot planting area.

7. For structures with more than four units, the side setback shall be at least ten feet.
8. The front of the structure shall be oriented to face the primary access street.
9. The height shall not exceed three stories or the maximum permitted height of the zoning district, whichever is less.



"

o. Section 7-11-2(c)(1) is amended and replaced as follows:

"(1) *Number of spaces required.* The requirements for off-street parking are set forth in the table below. For uses not covered in this table, the appropriate number of maximum and minimum parking spaces based upon the most recent Parking Generation edition of the Institute of Transportation Engineers. Refer to subsection 7-11-2(d) below for specific requirements related to off-street loading. The square footage requirements below refer to gross floor area of the building, existing or proposed. Please see subsection 7-11-2(b)(3) for handicapped

accessible parking space requirements, subsection 7-11-2(c)(3) for bicycle parking space requirements, and subsection 7-11-2(f) for on-street parking allowances.

Type of Land Use	Parking Standards:	
	Minimum	Maximum
Residential		
Boardinghouses	1 per 2 boarding rooms, plus 1 per resident manager	1 per boarding room, plus 1 per resident manager
Dwellings, multi-family with 2 bedrooms or less	1per unit	2 per unit
Dwellings, multi-family with 3 bedrooms or more	2 per unit	3 per unit
Dwellings, multi-family elderly or disabled	1 per unit	2 per unit
Dwellings, single-family with 2 bedrooms or less	1 per unit	2 per unit
Dwellings, single-family with 3 bedrooms or more	2 per unit	3 per unit
Dwellings, subsidized low-income	1 per unit	2 per unit
Public Facilities and Institutions		
Assisted living facilities	1 per 2 employees, plus 1 per 2 units	1 per employee, plus 1 per 2 units
Adult care facilities	1 per 2 employees, plus 1 per 6 adults	1 per employee, plus 1 per 6 adults
Child care facilities	1 per 2 employees, plus 1 per 10 children	1 per employee, plus 1 per 10 children
Churches and wedding chapels	1 per each 4 seats or each 40 sq. ft. of floor area available for movable seats or for each 200 sq. ft. of gross floor area	1 per 3 seats or each 30 sq. ft. of floor area available for movable seats or for each 150 sq. ft. of gross floor area
Civic, social service, cultural, and fraternal facilities	1 per 350 sq. ft.	1 per 250 sq. ft.
Colleges and universities	1 per 3 employees, plus one per 3 full-time students not	1 per employee, plus one per each full-time student not

	residing on campus	residing on campus
Family care homes and group homes, children	1 per 2 employees	1 per employee
Family care homes and group homes, adults	1 per 2 employees, plus 1 per 2 residents	1 per employee, plus 1 per 1 resident
Museums and art galleries	1 per 350 sq. ft., plus one per 2 employees on shift of greatest employment	1 per 250 sq. ft., plus one per 2 employees on shift of greatest employment
Medical facilities	1 per 250 sq. ft.	1 per 200 sq. ft.
Schools, elementary and middle	2 per classroom	3 per classrooms
Schools, high	5 per classroom	10 per classroom
Shelters	1 per 2 employees on shift of greatest employment	1 per employee on shift of greatest employment
Office, Business, and Industrial Uses		
Barber shops and salons	2 per operator station, plus one per 2 employees on shift of greatest employment	3 per operator station, plus one per 2 employees on shift of greatest employment
Bed and breakfast homestays and inns	1 per room, plus 1 space for the resident manager/ owner and 1 per each employee	2 per room, plus 2 spaces for the resident manager/ owner and 1 per for each employee
Car wash	2 per wash bay, plus 2 stacking spaces per wash bay	3 per wash bay, no stacking maximum
Convenience stores with gas pumps	1 per 350 sq. ft. (spaces at gas pumps are not recognized as parking spaces)	1 per 200 sq. ft. (spaces at gas pumps are not recognized as parking spaces)
Funeral establishments	1 per 4 seats of largest public room, plus one per 2 employees on shift of greatest employment	1 per 2 seats of largest public room, plus one per 2 employees on shift of greatest employment
Health and fitness facilities	1 per 200 sq. ft.	1 per 100 sq. ft.
Lodging	1 per 2 bedrooms , plus additional spaces as required for other uses within the hotel/motel	1 per 1 bedroom , plus additional spaces as required for other uses within the hotel/motel

Live-work unit	1 per residential unit plus 1 per each 350 sq. ft. of office/business space	1 per residential unit plus 1 per each 250 sq. ft. of office/business space
Manufacturing, assembly or finishing operations	1 per 2 employees on shift of greatest employment	1 per employee on shift of greatest employment
Office	1 per 350 sq. ft.	1 per 250 sq. ft.
Rental establishments	1 per 350 sq. ft.	1 per 250 sq. ft.
Repair and service businesses providing on-site services	1 per 300 sq. ft.	1 per 200 sq. ft.
Repair and service businesses providing off-site services	2 employees	1 per employee
Restaurants, bars, night clubs (plus 11 spaces for stacking if drive-through service is proposed)	1 per 3 seats, plus one space per 2 employees on shift of greatest employment	1 per 2 seats, plus one space per 2 employees on shift of greatest employment
Retail sales	1 per 350 sq. ft.	1 per 200 sq. ft.
Self-service storage facility	1.4 per 100 units plus 1 per 2 employees on shift	2 per 100 units plus 1 per every employee on shift
Servicing, packaging, and storage of commodities	1 per 2 employees on shift of greatest employment	1 per employee on shift of greatest employment
Theaters, stadiums, arenas, and sports fields and courts	1 per 4 seats or 1 per 6 feet of bench area	1 per 3 seats or 1 per 4 feet of bench area
Vehicle service stations and auto repair garages (spaces at gas pumps are not recognized as parking spaces)	1 per service bay, plus one per 2 employees on shift of greatest employment	3 per service bay, plus one space per 2 employees on shift of greatest employment
Warehouses, wholesale, and distributive businesses	1 per 2 employees on shift of greatest employment, plus one per 350 sq. ft. of area open to the public	1 per employee on shift of greatest employment, plus one per 350 sq. ft. of area open to the public

p. Section 7-11-2(c) subsection (3) is amended as follows:

"(3) Bicycle parking. Bicycle parking shall be provided for all uses except single family dwellings and duplex dwellings. The minimum number of bicycle parking spaces required shall be equal to five percent of the total

number of automobile parking spaces in the lot. Bicycle parking facilities shall include standard bile racks and other secured, lockable facilities. Bike parking shall be located within 50 feet of a publicly-accessible entrance."

q. Section 7-11-2(g) heading and section (1) are amended and replaced as follows:

"*Access point requirements (Driveways).* The following standards shall be met when designing vehicular access points from public streets to individual properties:

(1) *Width of access points.* The width of access points shall be measured parallel to the street at the point beyond the driveway apron radius, according to the following:

a. For single-family structures and duplexes, the following standards shall apply:

Minimum width within the front setback: 9 feet

Maximum width within the front setback: 18 feet

b. For multifamily residential structures located within 150 feet of a publicly-maintained road, the following standards shall be applied:

Minimum width within the front setback: 9 feet

Maximum width within the front setback: 36 feet

c. For multifamily residential structures located beyond 150 feet of a publicly-maintained road and for commercial property, the following standards shall be applied:

Minimum width within the front setback: 20 feet

Maximum width within the front setback: 36 feet

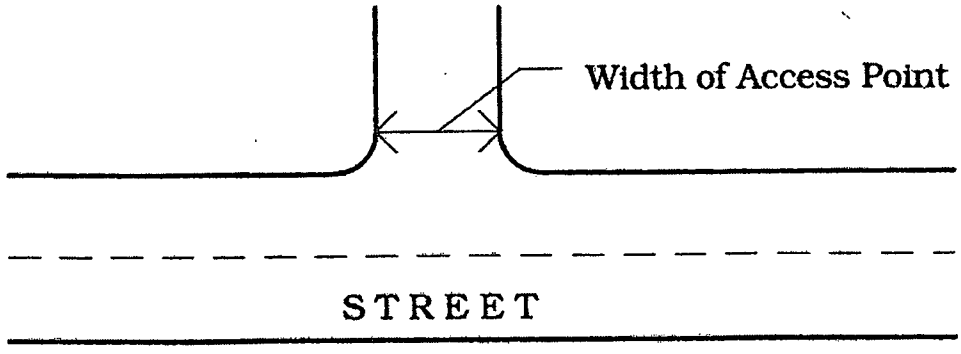


Figure 11-5"

r. Section 7-11-2(g)(4) is amended and replaced as follows:

"(4) *Distance from property line.* Unless the access point will be shared between two or more adjoining properties, all access points shall be located at least five feet from all property lines perpendicular to the street. Shared access points are encouraged to reduce the amount of impervious surface area and to limit the number of access points along a street.

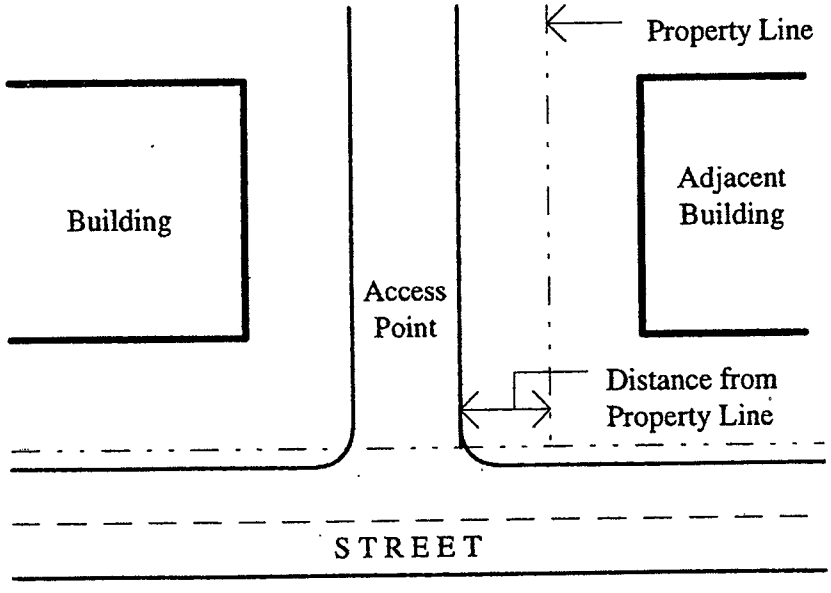


Figure 11-8"

s. Section 7-11-2(j)(1) and (2) are replaced in their entirety with the following:

"(1) *General.* All residential lots must abut a public street or an approved private street built to public street standards: Residential lots shall meet the minimum lot width requirements of the applicable zoning district where they abut a street, except for lots on a cul-de-sac or flag lots.

(2) *Lots on a cul-de-sac.* A lot on a cul-de-sac shall be a minimum of twenty-five (25) feet at the front property line, and shall be 80 percent of the required lot width at the front setback line.

(3) *Flag lots.* A flag lot may be approved if it meets the following requirements:

a. A flag lot shall serve only single-family residential development and accessory buildings.

b. The minimum width of the flag lot at the street shall not be less than 20 feet.

c. Minimum width of the flagpole portion of the lot shall be 20 feet.

d. The flagpole portion of the lot shall not be used to calculate compliance with minimum lot area, width, and depth or to provide off-street parking.

e. Where public water is available, any occupied building on the flag lot must be within 500 feet of a fire hydrant, as specified in the Asheville Fire Prevention Code. This distance shall be measured along the street, then along the flagpole portion of the lot, and then in a straight line to the building location.

f. Where public sewer is available, occupied buildings on the flag lot shall have a gravity sewer service line, or the sewer requirement shall be noted on the preliminary plat.

g. Use of a shared driveway to serve a flag lot and an adjoining lot is permitted and encouraged.

h. Maximum length for the flagpole portion of the lot shall be 250 feet.

i. No more than one lot in a subdivision of less than eight lots shall be a flag lot. No more than two lots or ten percent of the total lots in the subdivision, whichever is greater, shall be flag lots in a subdivision of eight or more lots.

j. Maximum lot area for a flag lot, excluding the flag pole, may not exceed 12,000 square feet unless located in an RS2 zoning district, where a flag lot may not exceed 24,000 square feet."

t. Section 7-11-3(d)(6) is amended with the following:

"(6) *Screening of dumpsters, loading docks, outdoor storage areas, and utility structures.* All dumpsters, loading docks, mechanical equipment, residential garbage containers (over four), or utility structures visible from a public street or adjacent property line shall be screened unless already screened by an intervening building or bufferyard. All enclosed outdoor storage areas greater than 25 square feet shall also be screened from adjacent properties and streets. Screen types include:

- A continuous hedge of evergreen trees and/or densely twigged deciduous trees planted in a seven-foot strip spaced no more than

eight feet apart.

- A fence or wall with a minimum height of six feet with the finished side of the fence facing the abutting property or street. Fences longer than 25 linear feet shall be landscaped with trees and/or shrubs planted in a minimum five-foot planting area, except around access areas, spaced no farther than eight feet apart in order to screen at least 50 percent of the fence or wall. Such wall landscaping planting area."

u. Section 7-16-1(b)(25) is replaced with:

"*Reserved.*"

v. Section 7-16-1(b)(28) is amended by adding:

"RS-8"

w. Section 7-16-1(c)(25) is replaced with:

"*Reserved.*"

x. Section 7-16-1(c)(28)a. is amended by adding:

"RS-8"

y. Section 7-16-2(b)(5-7) are replaced with:

"*Reserved.*"

z. Section 7-16-2(d)(5-7) are replaced with:

"*Reserved.*"

Section 2: If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 3: All ordinances or parts of ordinances in conflict are hereby repealed to the extent of such conflict.

Section 4: This ordinance will become effective upon adoption.

Read, approved, and adopted this 22nd day of August, 2017.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

316

ORDINANCE NO. 4609

AN ORDINANCE AMENDING ARTICLE II, DIVISION 1, SECTIONS 24 AND 25 OF APPENDIX C OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

Section 1: That Article II, Division I, Section 25 (b) of Appendix C of the Code of Ordinances of the City of Asheville (Speed Limits – Thirty miles per hour, City system) be amended to remove:

Azalea Road in its entirety

Beverly Road (West) in its entirety

Delaware Avenue, in its entirety

Royal Pines Drive, in its entirety

Shelburne Road, in its entirety

Section 2: That Article II, Division I, Section 24 (b) of Appendix C of the Code of Ordinances of the City of Asheville (Speed Limits – Twenty Five miles per hour, City system) be amended to include:

Azalea Road from US 25A Sweeten Creek Road to Rosscraggon Road

Azalea Road East from US 70 Tunnel Road to NC 81 Swannanoa River Road

Beverly Road West from SR 3548 Haywood Road to Riverview Drive

Carter Cove Road from SR 2053 Beaverdam to End of City Maintenance

Delaware Avenue from SR 3412 Sand Hill Road to Sulphur Springs Road

Enka Crescent Street from NC 112 Sand Hill Road to Enka Pine Street

Enka Oak Street from Enka Crescent Street to Enka Pine Street

Enka Orchard Street from NC 112 Sand Hill Road to Enka Pine Street

Enka Pine Street from Enka Crescent Street to Enka Orchard Street

Royal Pines Drive from US 25 Hendersonville Road to US 25A Sweeten Creek Road

Shelburne Road from NC 191 Brevard Road to SR 3412 Sand Hill Road

West Summit Avenue from US 25 Hendersonville Road to the End of City Maintenance

Section 4: That all Ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed.

Section 5: That this Ordinance shall be in full force and effect upon adoption by the City of Asheville and the erection of signs giving notice of the authorized speed limit.

Read, approved and adopted this 12th day of September, 2017.

CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

3.1.8

ORDINANCE NO. 4610

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Capital Improvement Program pay-go funds be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 12th day of September, 2017.

Magdalen Bouleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

PURPOSE: I-26 Connector Project Consulting Services.

Magdalen Bouleson
City Clerk

CITY OF ASHEVILLE

BUDGET AMENDMENT

2017/18	9/12/2017
FISCAL YEAR	EFFECTIVE DATE

Purpose: To enter into a contract with Sam Schwartz Consulting, LLC to provide consulting and engineering services for the design of the I-26 Connector project

Requesting Department: Transportation

Amendment to: General Capital Projects Fund

	Account	Current Budget	Amended Budget	Increase (Decrease)
Revenues				
41090210-498202-T1808	Operating Transfers from Capital Reserve	$ -	$ 200,000	$ 200,000
Expenditures				
41000210-521002-T1808	Professional Services	$ -	$ 200,000	$ 200,000
BALANCE				**$ -**

Revision to: Capital Reserve Fund

	Account	Current Budget	Amended Budget	Increase (Decrease)
Expenditures				
21000060-528013	Contingencies	$ 8,986,875	$ 8,786,875	$ (200,000)
21090060-800410	Transfer to General Capital Project Fund	$ -	$ 200,000	$ 200,000
BALANCE				**$ -**

320

ORDINANCE NO. 4611

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 12th day of September, 2017.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: Water Installations for Community Gardens

Magdalen Burleson
City Clerk

CITY OF ASHEVILLE

BUDGET AMENDMENT

2017/18	9/12/2017
FISCAL YEAR	EFFECTIVE DATE

Purpose: To install water spigots at community gardens

Requesting Department: Sustainability

Amendment to: Water Resources Fund

	Account	Current Budget	Amended Budget	Increase (Decrease)
Revenues				
61090911-498400	Transfer from Sustainability	$ -	$ 12,000	$ 12,000
Expenditures				
61000914-524101	Materials	$ 450,000	$ 462,000	$ 12,000
BALANCE				**$ -**

Revision to: Sustainability Fund

	Account	Current Budget	Amended Budget	Increase (Decrease)
Expenditures				
24090016-800610	Transfer to Water Resources Fund	$ -	$ 12,000	$ 12,000
24000016-528013	Contingencies	$ 768,229	$ 756,229	$ (12,000)
BALANCE				**$ -**

ORDINANCE NO. 4612

ORDINANCE ESTABLISHING CONDITIONAL ZONING FOR PROPERTY(S) LOCATED AT 3, 10,12, 18 AND 99999 TRIED STREET

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statues, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this proposed amendment is consistent with the City's 2025 Comprehensive Plan, Smart Growth policies, and other official plans of the City for the reasons set out in the Staff Report, which is hereby adopted and incorporated by reference; and

WHEREAS, this proposed ordinance is determined to be reasonable and in the public interest as follows:

a. The single-family residential development is compatible with the character of the surrounding Shiloh neighborhood as far as density, use and layout;
b. The project preserves sensitive environmental area and provides dedicated open space;
c. The project does include some initial affordability; and
d. Sidewalks will be provided on the new street and along part of West Chapel Road.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

The zoning classification of that certain real property described in Exhibit A and identified on Buncombe County tax maps as PINs 9657-14-4225, 9657-14-4174, 9657-14-4041, 9657-13-4808 and 9657-13-2749 recorded in Deed Book 5454, Page 258 and currently owned by Mountain Housing Opportunities, Inc from Residential Single-Family High Density District to Residential Single-Family High Density Conditional Zone district. A copy of the official zoning map showing said lots is attached hereto as Exhibit "A" and made a part hereof. Said rezoning is subject to the

conditions set out in Exhibit "B.1", and substantially complies with the site plans shown in Exhibit "C", both attached hereto and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. The ordinances shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 5. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 12th day of September, 2017.

Magdalen Burleson
City Clerk

Mayor

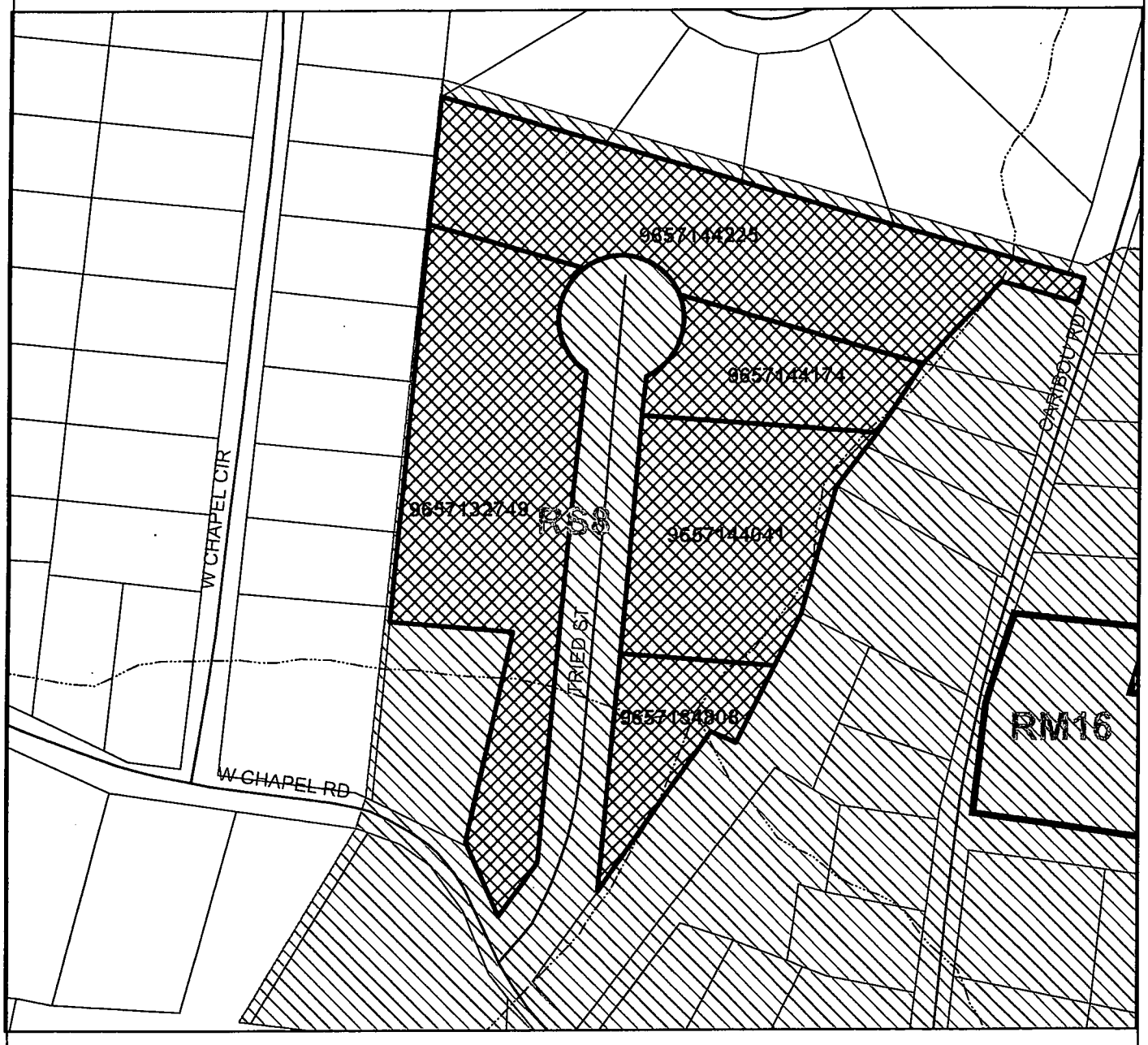
Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

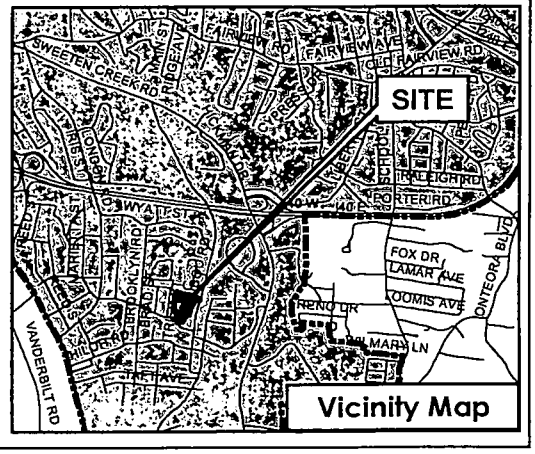
324

City of Asheville - Exhibit A Map
Conditional Zoning - Tried Street



Project Name: Tried Street Residential Development
Project Number: 17 - 04094 PZ
Project Description: CZ from RS8 to RS8 CZ
Petitioner(s): Mountain Housing Opportunities
Parcel ID Number(s): 9657-13-4808; -2749
9657-14-4041; -4225; -4174
Location/Address: 3, 10, 12. 18 & 99999 Tried Street

Project Site | Parcels | Asheville City Limits
Zoning Districts | Streets | River Areas | Manufactured Housing Overlay District



City of Asheville Planning and Urban Design Department - May 2017

Tried Street Residential Development

Exhibit B.1 – Conditions List

1. The zoning for the site is Residential Single-Family High Density – Conditional Zone (RS8-CZ).

2. Lot widths shall be a minimum of 40 feet and lot areas shall be no less than 4,000 square feet. Driveways will be no wider than 18 feet.

3. The approval is for 20 residential lots which must be subdivided in accordance with the subdivision provisions in the Unified Development Ordinance. An additional lot 21st lot will be created, not for development but for the purpose open space, as described in Condition 6 herein.

4. *AFFORDABLE UNITS* – The applicant shall sell four (4) homes (20% of total development) to eligible households earning 80% area median income (AMI) or less adjusted for household size, who must fall within HUD underwriting requirements for affordable households. Additionally, the City will review and qualify the buyer through an underwriting process and a copy of the settlement statement will be required at each closing to document the final sales price. A Right of First Refusal will be held on each of the 4 homes for ten (10) years from the date of Certificate of Occupancy (CO) that will be assigned to a future Community Land Trust, should it be formed by the City or other independent entity within that time period.

5. At the time of issuance of the certificate of occupancy, single-family houses will be oriented towards the street, with front porches and a pitched roof. Alterations to or expansions of homes in the future will not be restricted due to conditional zoning approval but will be subject to the City's residential single-family district zoning requirements and standards in place at that time.

6. Project includes at least 0.7 acres of open space and tree save area as shown on plans which is incorporated herein (the 21st lot described in Condition 3 above).

7. A six foot wide sidewalk within a ten foot easement shall be provided along one side of the new street and a five foot wide sidewalk along West Chapel Road heading west. An easement will be provided along West Chapel Road heading east.

8. The road will have a minimum of 32 feet of right-of-way with 22 feet of pavement.

9. The lot and street layout must substantially comply with the approved site plan incorporated herein as Exhibit C.

10. All legally required local, state, and federal permits and approvals must be obtained prior to initiation of construction and any pertinent legal requirements shall be met.

1 326

PROJECT TEAM INFORMATION

OWNER/DEVELOPER:	MOUNTAIN HOUSING OPPORTUNITIES, INC. 64 CLINGMAN AVENUE, SUITE 101 ASHEVILLE, NC 28801
CONTACT:	MIKE VANCE (828) 254-4030
CIVIL ENGINEER:	ADVANTAGE CIVIL ENGINEERING 34 BIG BEAR TRAIL ASHEVILLE, NC 28805
CONTACT:	MIKE LOVOY, P.E. (828) 545-6303
SURVEYOR:	WES COLE LAND SURVEYING, PA 640 ELK PARK DRIVE, SUITE 707 ASHEVILLE, NC 28804
CONTACT:	WES COLE (828) 251-7025

NOTES

1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE NCDENR AND CITY OF ASHEVILLE STANDARDS AND SPECIFICATIONS.
2. ALL EROSION CONTROL MEASURES SHALL BE IN ACCORDANCE WITH NCDENR AND CITY OF ASHEVILLE STANDARDS AND SPECIFICATIONS.
3. SINGLE PHASE CONSTRUCTION.
4. ALL WORK SHALL BE PERFORMED BY A NORTH CAROLINA LICENSED UTILITY CONTRACTOR.
5. CONTRACTOR TO COORDINATE EXACT LOCATION OF PROPOSED AND EXISTING UTILITIES.
6. EROSION CONTROL IS FIELD PERFORMANCE BASED AND ADDITIONAL SILT FENCES, TEMPORARY SEDIMENT BASINS, AND ALL OTHER MEASURES MAY NEED TO BE ADDED IN ADDITION TO THE APPROVED PLAN AS NECESSARY. MEASURES SHOWN CAN AND SHOULD BE ADJUSTED TO ASSURE MAXIMUM PROTECTION ON SITE.
7. CONTRACTOR IS RESPONSIBLE FOR INSTALLING, MAINTAINING, AND REMOVING ALL NECESSARY EROSION AND SEDIMENTATION MEASURES.
8. CONTRACTOR TO FIELD VERIFY ALL PIPES AND DEPTHS PRIOR TO ORDERING MATERIALS AND CONSTRUCTION.
9. ADD MEASURES AS NEEDED IN ENVIRONMENTALLY SENSITIVE AREAS.
10. PROJECT LIES OUTSIDE 100-YEAR FLOOD PLAIN.
11. CONTRACTOR RESPONSIBLE FOR KEEPING ACCURATE LOG OF SITE CONDITIONS IN ACCORDANCE WITH NPDES PERMIT.
12. SOIL TYPE 'C'
13. ALL DISTURBED AREAS TO BE SEEDED WITHIN 14 WORKING DAYS OF COMPLETION PER NCDENR AND CITY OF ASHEVILLE STANDARDS AND SPECS.
14. CONTRACTOR IS RESPONSIBLE FOR OBTAINING GRADING AND EROSION CONTROL PERMIT FOR BORROW SITES.
15. ALL STORM OUTFALLS SHALL HAVE ONLY CLASS II LARGE RIP-RAP FOR ALL APRONS UNLESS OTHERWISE SPECIFIED.
16. A LOCATION AND COPY OF A GRADING PERMIT WILL BE REQUIRED FOR ANY OFF-SITE SOIL BORROW SITE OR DISPOSAL SITE.
17. OWNER IS REQUIRED TO PROVIDE COMPACTION TESTING REPORTS TO THE CITY OF ASHEVILLE STORMWATER SERVICES DIVISION INDICATING THAT FILL HAS BEEN COMPACTED TO NOT LESS THAN 95% MAXIMUM DENSITY PER CITY OF ASHEVILLE STANDARDS AND SPECIFICATIONS.

LEGEND

REVISION NOTE PER P&Z

SS - SANITARY SEWER	LF - LINEAR FEET
SD - STORM DRAINAGE	DIP - DUCTILE IRON PIPE
MH - MANHOLE	INV - INVERT
WL - WATERLINE	MSD - METROPOLITAN SEWERAGE DISTRICT
SDR - STANDARD DIMENSION RATIO	
EXISTING SEWER MANHOLE	(SS)
PROPOSED SEWER MANHOLE	(symbol)
PROPOSED SEWER CLEANOUT	(symbol)
EXISTING SEWER LINE	—SS—SS—
PROPOSED SEWER LINE	—S—
PROPOSED SEWER SERVICE	—s—s—s—
EXISTING OVERHEAD UTILITY	—OHU—OHU—
EXISTING WATER LINE	—W—
PROPOSED DOMESTIC WATER SERVICE	—W—
PROPOSED WATER VALVE	(symbol)
PROPOSED FIRE HYDRANT	(symbol)
EXISTING FIRE HYDRANT	(symbol)
PROPOSED WATER METER	(symbol)
PROPOSED HEATED ENCLOSURE	(symbol)
PROPOSED ASPHALT	(symbol)

REQUESTED ZONING CONDITIONS:

LOT AREA MINIMUM– CURRENT: 5,000 SF
LOT AREA MINIMUM– REQUESTED: 4,000 SF (20% REDUCTION)

LOT FRONTAGE MINIMUM– CURRENT: 50 LF
LOT FRONTAGE MINIMUM– REQUESTED: 40 LF (20% REDUCTION)

RIGHT-OF-WAY WIDTH– CURRENT: 50'
RIGHT-OF-WAY WIDTH– REQUESTED: 32' (ACCESS)/40' (T-TURN)

LANDSCAPE CALCULATIONS:

STREET TREES: TOTAL STREET FRONTAGE = 743 LF
REQUIRED = 19 TREES
PROVIDED = 19 TREES

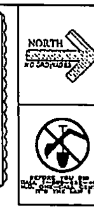
TREE SAVE AREA: 30% OF TOTAL ACREAGE = 54,397 SF
–Open space: 50% credit/overlap with tree save = 18,922 SF
*Tree Tree save: 14,051+11,814+8,823+3,038 = 37,526 SF
*TOTAL = 56,448 SF provided

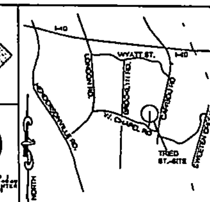
OPEN SPACE: 20% OF LOT AREA (excluding ROW area 23,036)– 31,607 SF
–Flood area: up to 15,934 SF (50%) of credit. 22,443 available
–Storm area: up to 15,934 SF (50%) of credit. 11,102 available
*Flood = 15,934
*Storm = 11,102
*Tree open space = 3,305+1,681+1,182+1,022 = 7,433
*TOTAL = 34,469 SF provided

IMPERVIOUS SURFACE AREA CALCULATIONS:

TOTAL SITE	±181,324 SF
PRE-CONSTRUCTION IMPERVIOUS	±21,385 SF (12%)
PRE-CONSTRUCTION PERVIOUS	±159,936 SF (88%)
PROPOSED POST CONSTRUCTION IMPERVIOUS	
PAVEMENT / DRIVE	±16,443 SF
SIDEWALK	±3,528 SF
TOTAL IMPERVIOUS	±19,973 SF (11%)
POST CONSTRUCTION PERVIOUS	
GRASS AND OR LANDSCAPE AREA	±161,351 SF
TOTAL PERVIOUS	±161,351 SF (89%)

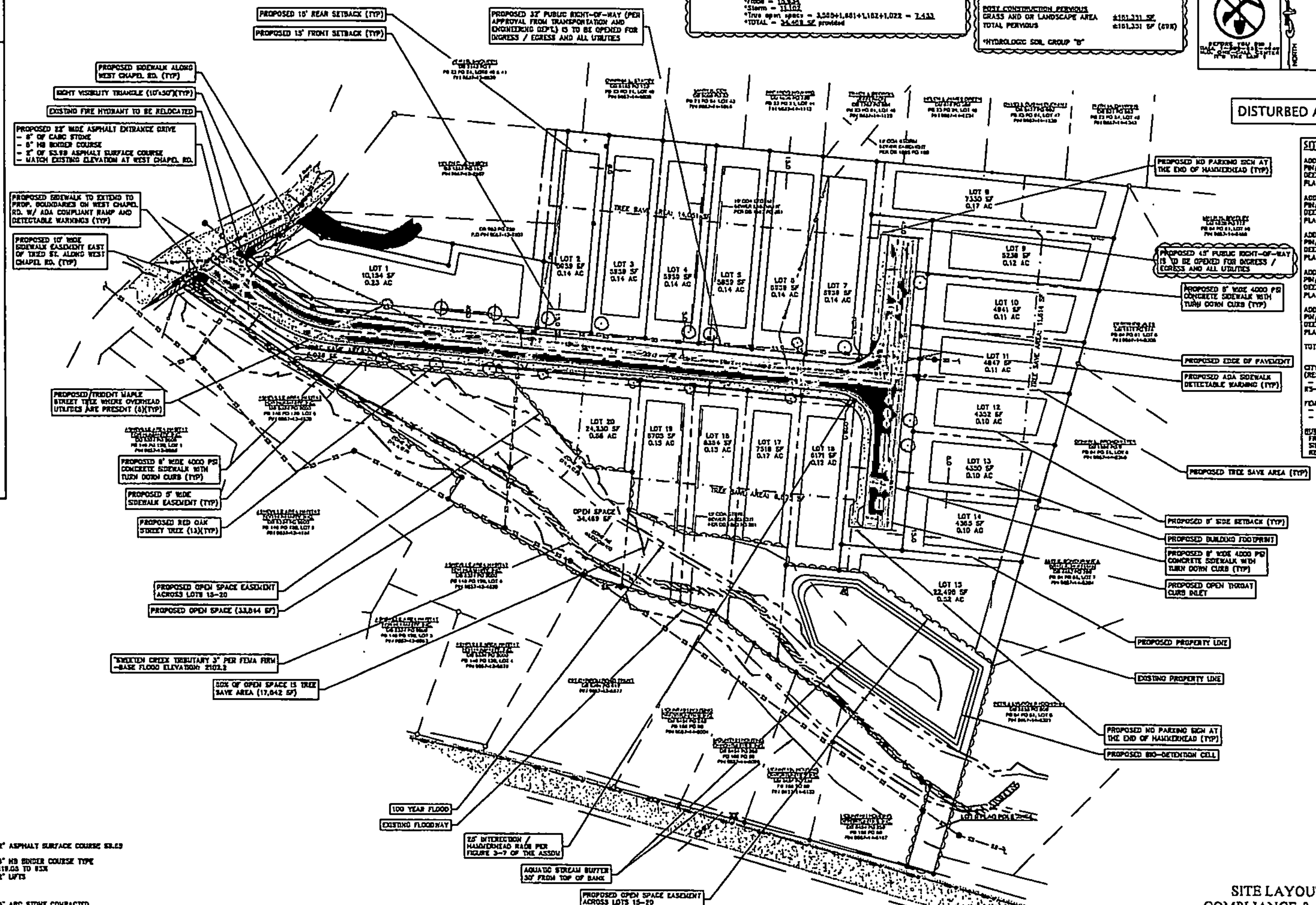
*HYDROLOGIC SOIL GROUP "B"





VICINITY MAP
(NOT TO SCALE)

DISTURBED AREA: ±2.78 ACRES



SITE INFORMATION:

ADDRESS:	18 TRIED STREET
PIN#:	9657-13-2748
DEED BOOK/PG:	5434/258
PLAT BOOK/PG:	38/48
ADDRESS:	12 TRIED STREET
PIN#:	9657-14-4223
DEED BOOK/PG:	5434/258
PLAT BOOK/PG:	188/30
ADDRESS:	99999 TRIED STREET
PIN#:	9657-14-4174
DEED BOOK/PG:	5434/258
PLAT BOOK/PG:	38/48
ADDRESS:	10 TRIED STREET
PIN#:	9657-14-4041
DEED BOOK/PG:	5434/258
PLAT BOOK/PG:	38/48
ADDRESS:	3 TRIED STREET
PIN#:	9657-13-4808
DEED BOOK/PG:	5434/258
PLAT BOOK/PG:	38/48
TOTAL ACREAGE:	±4.18 ACRES ±181,324 SF

CITY OF ASHEVILLE ZONING: RS-8 (RESIDENTIAL SINGLE-FAMILY HIGH-DENSITY)
– ALL ABUTTING PROPERTIES ZONED RS-8

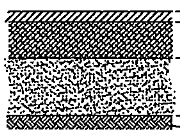
FEMA MAP PANEL #3700965700 J
– ZONE: X
– EFFECTIVE DATE: 1-6-2010

BUILDING SETBACKS:
FRONT: 15 FEET
SIDE: 6 FEET
REAR: 15 FEET

SITE NOTES:

LOT CALCULATIONS:

LOT 1	10,154 SF	.23 ACRES
LOT 2	5839 SF	.14 ACRES
LOT 3	5939 SF	.14 ACRES
LOT 4	5959 SF	.14 ACRES
LOT 5	5859 SF	.14 ACRES
LOT 6	5939 SF	.14 ACRES
LOT 7	5859 SF	.14 ACRES
LOT 8	7330 SF	.17 ACRES
LOT 9	5238 SF	.12 ACRES
LOT 10	4841 SF	.11 ACRES
LOT 11	4847 SF	.11 ACRES
LOT 12	4332 SF	.10 ACRES
LOT 13	4330 SF	.10 ACRES
LOT 14	4365 SF	.10 ACRES
LOT 15	22,498 SF	.52 ACRES
LOT 16	6171 SF	.12 ACRES
LOT 17	7518 SF	.17 ACRES
LOT 18	6354 SF	.13 ACRES
LOT 19	6703 SF	.13 ACRES
LOT 20	24,330 SF	.56 ACRES



TYPICAL PAVEMENT CROSS SECTION
NOT TO SCALE

SUGGESTED PLANT LIST:

KEY	QTY.	PLANT	DESCRIPTION
Large Deciduous Trees			
(symbol)	13	Quercus rubra Red Oak	B&B, 12'-14', 2"-2.5"caliper, single straight leader, well branched
(symbol)	6	Acer buergeranum Trident Maple	B&B, 8'-10', 1.5"-2" caliper, multi leader, no more than 3 leaders, well branched

SITE LAYOUT & ZONING COMPLIANCE & CONSTRUCTION STAGING PLAN

GRAPHIC SCALE
(IN FEET)
1 inch = 40 ft.

COA BP# ??-?????

ACE Advantage Civil Engineering, PA
MICHAEL LOVOY, P.E.
34 BIG BEAR TRAIL
ASHEVILLE, NC 28805

NORTH CAROLINA PRELIMINARY NOT FOR CONSTRUCTION

TRIED STREET SUBDIVISION
SITE LAYOUT, ZONING COMPLIANCE & CONSTRUCTION STAGING PLAN

BUNCOMBE COUNTY
TRIED STREET
ASHEVILLE, NC 28803

REVISION #	DESCRIPTION	DATE
1.	REVISIONS PER TRC MEETING JUNE 8, 2017	06-20-17
2.	CREATED SEPARATE LOT 15	07-05-17
3.	REVISIONS PER P&Z MEETING JULY 19, 2017	08-01-17
4.		
5.		
6.		

PROJECT NO: 1639
DRAWN BY: BAM
DATE: 04-25-2017

C2.1
SHEET

[redacted]

ORDINANCE NO. 4613

ORDINANCE AMENDING CHAPTER 7 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE TO ADD AND AMEND STANDARDS FOR TEMPORARY PARKING IN THE CENTRAL BUSINESS DISTRICT

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety, and welfare; and

WHEREAS, the Unified Development Ordinance (Chapter 7 of the City Code of Ordinances) provides allowances for cottage developments and the options for such developments should be expanded and updated; and

WHEREAS, this Ordinance is determined to be reasonable, in the public interest, and is consistent with the Comprehensive Plan in the following ways:

(1) Modifies development standards to support a changing local economy, and
(2) Supports the creation of necessary parking infrastructure in the downtown.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1: Chapter 7 of the Code of Ordinances of the City of Asheville is hereby amended as follows:

a. Sec. 7-11-2(b)(5)(a) is amended in the following way:

a. Parking lots utilizing road bond, gravel or other vegetative surfacing are prohibited within the Central Business District, unless otherwise allowed under Article XIV.

b. Sec. 7-14-2(e)(2) is replaced in its entirety to read as follows:

(2) *Interim parking or construction staging.*

a. A zoning permit shall be required and shall be valid for a period of :
   1. Two years, when established in conjunction with, and is needed to support, an existing construction project for which there is a valid, open building permit.
   2. One year, when not associated with a construction project.

b. Interim parking and construction staging established under this subsection shall not be required to comply with landscape, sidewalk or paving requirements found elsewhere in this chapter with the following exceptions if applicable:

1. The parking/staging area is greater than 10,000 square feet, in which case a planting strip with a minimum width of 10 feet shall be installed the length of the parking area, leaving room for cross access as desired; and/or
2. The area beyond the driveway apron exceeds five percent in grade, in which case the driveway shall be paved with a concrete, asphalt or bituminous surface.
3. The site is located in the *central business district*, in which case driveway width and other requirements specific to the zoning district will apply.

c. Interim parking and construction staging established under this subsection shall comply with, and is not exempted from, all other local, state and federal regulations including driveway, grading, stormwater, accessibility, and sign regulations. No waivers, exceptions or variances shall be granted to these standards.

d. The zoning permit for any such interim use may be renewed once for a period equal to the initial permit validity (see section "a" above).

e. The interim use shall not be located within 500 feet of a residential use in a residentially zoned district.

c. Sec. 7-16-1(b)(41) is removed in its entirety and replaced with the following:

(41) Reserved.

d. Sec. 7-16-1(c)(41) is removed in its entirety and replaced with the following:

(41) Reserved.

Section 2: If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 3: All ordinances or parts of ordinances in conflict are hereby repealed to the extent of such conflict.

Section 4: This ordinance will become effective upon adoption.

Read, approved, and adopted this the 12th day of September, 2017.

Magdalen Bruleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bruleson
City Clerk

ORDINANCE NO. 4614

ORDINANCE ASSIGNING ZONING FOR PROPERTY LOCATED AT 421 AIRPORT ROAD

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statues, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, the property now identified on Buncombe County tax maps as PIN was annexed into the City of Asheville corporate limits by voluntary petition effective date; and

WHEREAS, this proposed amendment is consistent with the City's 2025 Comprehensive Plan, Smart Growth policies, and other official plans of the City, and is determined to be reasonable and in the public interest for the following reason:

a. Promotes voluntary annexation as a development tool that offers high quality city services to urbanizing areas; and
b. Supports smart growth through compatible infill development that takes advantage of existing infrastructure

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

The zoning classification of that certain real properties described in Exhibit A and identified on Buncombe County tax maps as PIN 9643-85-0724, and, recorded in Deed Book 5341, Page 1924 and; and currently owned by MPG Kernersville LLC be assigned the Highway Business District (HB) zoning designation. A copy of the official zoning map showing said lot is attached hereto as Exhibit "A" and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed, to the extent of such conflict.

Section 5. The ordinances shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 6. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 12th day of September, 2017.

Magdalen Burleson
City Clerk

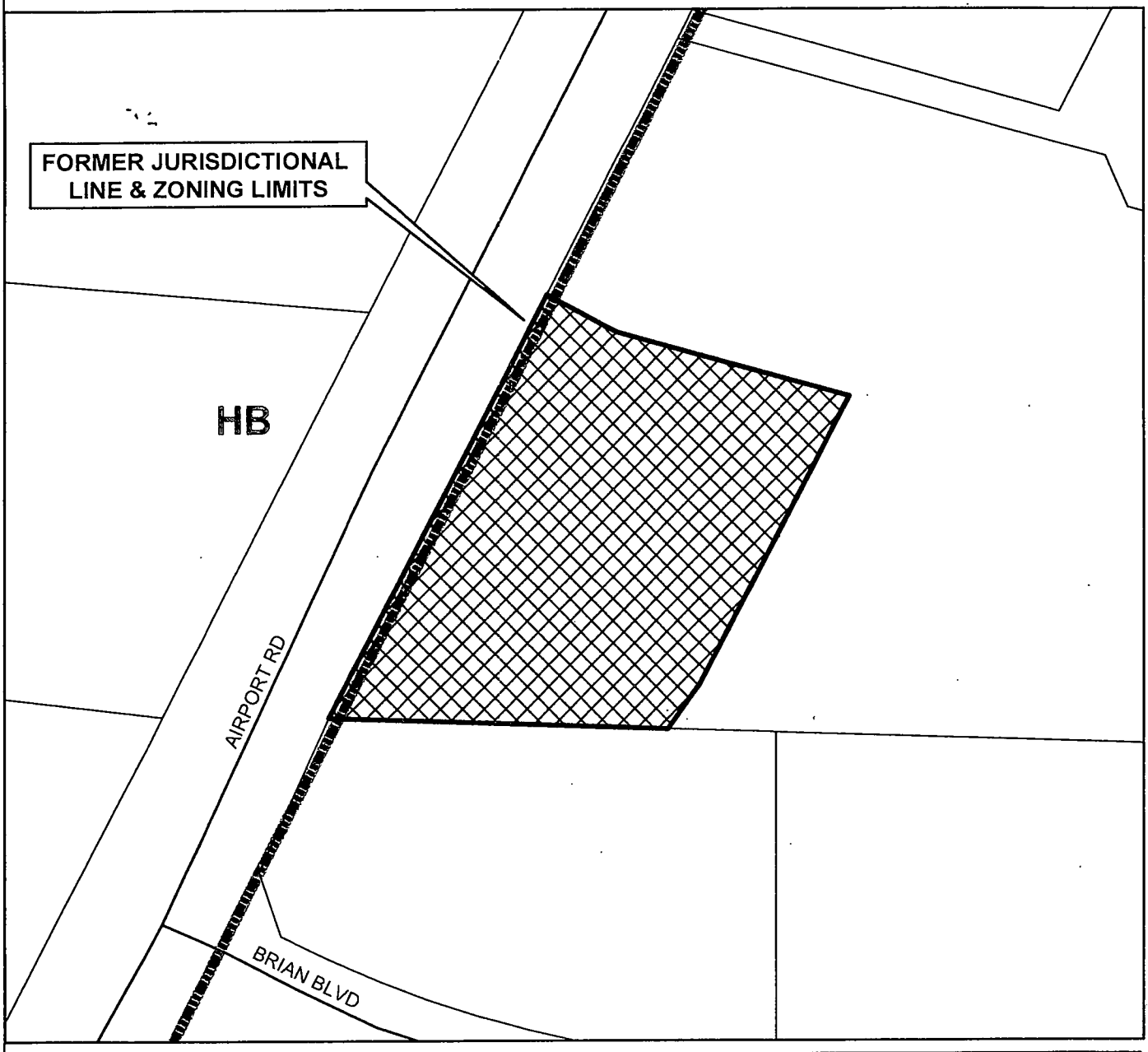
Mayor

Approved as to form:

City Attorney

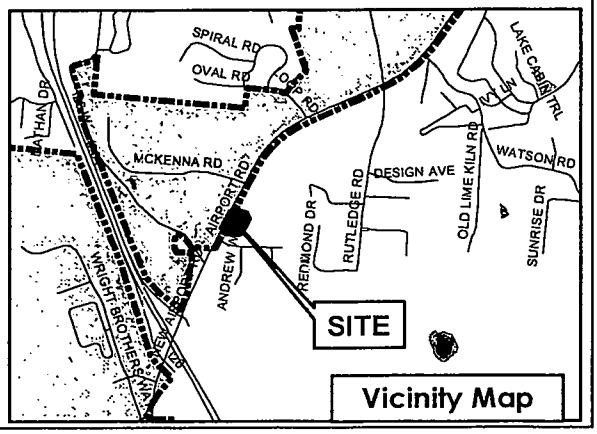
Magdalen Burleson
City Clerk

City of Asheville - Exhibit A Map
Initial Zoning - 421 Airport Rd.



Project Name: 421 Airport Rd.
Project Number: Ord. No. 4593
Project Description: Initial Zoning (Voluntary Annex.)
Petitioner(s): MPG Kernersville LLC
Parcel ID Number(s): 9643-85-0724

Location/Address: 421 Airport Rd.



Project Site
Parcels
Zoning Districts
Asheville City Limits
Streets
Streams

City of Asheville Planning and Development Department - March 2016

332.

ORDINANCE NO. 4615

ORDINANCE GRANTING FRANCHISE TO OPERATE A PEDAL BICYCLE TAXI SERVICE WITHIN THE CITY OF ASHEVILLE

WHEREAS, the City of Asheville (herein "City") has the authority pursuant to G.S. 160A-296 to control the use of streets and sidewalks within the city; and

WHEREAS, the City of Asheville has the authority pursuant to G.S. 160A-76 to grant franchises; and

WHEREAS, Here To There Adventures, a North Carolina Limited Liability Company, proposes to operate a pedal bicycle taxi service on the streets of the City; and

WHEREAS, the City has determined that it is in the public interest to permit the operation of said service on the City's streets, subject to certain terms and conditions;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. **Here To There Adventures** is hereby granted a franchise to operate a Pedal Bicycle Taxi Service (herein "Pedicab Service") on the streets of the City of Asheville subject to the following terms and conditions:

1. Route: The Pedicab Service is allowed only in the following areas: Central Business District, River Arts District, and Historic Montford District and along SR 3548 (Clingman Avenue) from Clingman Avenue Extension to Hilliard Avenue as shown on the map attached hereto as **Exhibit A**. In addition, the Pedicab Service is prohibited from operating on public streets where the speed limit is thirty-five (35) miles per hour or higher. The one exception is the section of SR 3548 (Clingman Avenue) that provides access to the River Arts District. This section of street has a bicycle climbing lane and the pedal bicycle taxis are required to use it. The operation of the Pedicab Service shall be designed so as to minimize traffic impacts upon the general circulation of vehicular and pedestrian traffic of the City. The Pedicab Service shall not load or unload passengers directly from Patton Avenue, College Street, Broadway or Biltmore Avenue unless there is an open parking space into which the pedicab can safely enter in order to prevent blocking the flow of traffic.

2. Stops: Pedicab Service stops may not exceed three minutes on any public right-of-way, except as necessary to embark and debark passengers, or with the written permission of the City Traffic Engineer. All service stops shall be made in a way to minimize any possible disruption to the flow of vehicular traffic.

3. Operating times/frequency: The hours of operation would be Monday through Thursday 4:00 pm until 12:00 am with three vehicles operating,

Friday 4:00 pm until 3:00 am with three vehicles operating, Saturday 12:00 pm until 3:00 am with one vehicle operating between 12:00 pm and 4:00 pm and three vehicles operating between 4:00 pm and 3:00 am, and Sunday 12:00 pm until 12:00 am with three vehicles operating.

4. Terms of Franchise/Renewal: The term of this Franchise shall be indefinite, subject to the Revocation/Termination provisions of Paragraph 10 of this Ordinance.

5. Insurance: **Here To There Adventures** shall maintain Commercial General Liability insurance, including coverage for contractual liability, liability from independent contractors, property damage liability, bodily injury liability, and personal injury liability with limits of not less than $1,000,000 per occurrence, and $1,000,000 annual aggregate. The coverage shall be written on an occurrence basis. At all times during the term of this Franchise, **Here To There Adventures** shall maintain statutory Workers' Compensation insurance in accordance with the laws of North Carolina. **Here To There Adventures** shall also maintain Employers' Liability insurance with limits of not less than $500,000 per accident and $100,000 each employee for injury by disease. **Here To There Adventures** shall submit copies of all said policies and a certificate of insurance naming the City as an additional insured for the approval of the City's Risk Manager. Approval from the City's Risk Manager shall be obtained prior to beginning any operation in the City of Asheville.

   Here To There Adventures shall submit copies of said insurance policy and a certificate of insurance for approval to the City's Risk Manager prior to starting operations in the City of Asheville.

6. Indemnity: By commencing operation under this Franchise, **Here To There Adventures** agrees to indemnify and hold harmless the City against any liability for personal injury, property damage or other damage or injury arising from or in connection with any of **Here To There Adventures'** operations, including operation of the pedicab service under this Franchise, and its insurance policy shall name the City as an additional insured to this effect.

7. Pedicab Equipment/Condition of Vehicles: **Here To There Adventures** may determine whatever pedicab model(s) it sees fit to use, provided that all pedicabs shall be of single frame construction, have operable brakes on the front and back wheels, have seat belts for passengers, and be designated as a slow moving vehicle with reflective sign on the back. **Here To There Adventures** may also install an electric assist motor for each pedicab which can be no greater than 750 watts and not greater than one horse power. **Here To There Adventures** is responsible for ensuring that all pedicab equipment is maintained in a safe and operable condition in accordance with applicable laws. The City reserves the right to have the pedicabs inspected by the City's taxi inspector, appointed pursuant to city Code Sec. 18-9, and to restrict operation of any pedicabs that fail inspection.

8. Standards for Drivers/Conductors: **Here To There Adventures** shall certify in writing to the City that each driver has a valid North Carolina driver's license,

is medically fit to operate the pedicab and has submitted a complete criminal background check. **Here To There Adventures** shall keep these records on file and will supply this information to the City upon request. Drivers with convictions for crimes of moral turpitude, driving while impaired, controlled substance offenses and sex offenders are prohibited from operating a pedicab with tin the City limits.

9. Non-transferability/Amendment: This Franchise shall constitute a certificate of public convenience and necessity for the operation of the Pedicab Service. This Franchise is not transferable, except to another entity owned by **Here To There Adventures** with written agreement from the City, and may not be amended except as provided in G.S. 160A-76 and G.S. 160A-304(b). This Franchise is not exclusive.

10. Revocation/Termination: The City may revoke this Franchise at any time for failure by **Here To There Adventures** to comply with any of the provisions hereof; provided, that **Here To There Adventures** shall receive 10 days' notice of said revocation during which time this franchise may only be suspended.

    The City may revoke this Franchise for any reason upon 30 days' notice to **Here To There Adventures**. **Here To There Adventures** shall be entitled to no compensation or payment as a result of the revocation of this franchise for any reason.

    Here To There Adventures may cease operations under this Franchise upon 30 days' notice to the City.

11. Notice: Any notices required or permitted pursuant to this franchise shall be first class mail or personal delivery to the parties as follows:

If to **Here To There Adventures**:	If to City:
Michelle Kelly 82 Crestfield Avenue Asheville, NC 28804	City Attorney 70 Court Plaza Asheville, NC 28801

    Compliance with the formalities of this section may be waived.

    Here To There Adventures shall at all times maintain an office or business location in the City of Asheville, and shall pay all City taxes and fees associated with operation. **Here To There Adventures** shall designate an individual to be its agent for service of process in accordance with North Carolina law, and shall keep the City advised of any changes in said agent or its address.

12. Franchise Fee: The fee for the operation of this Franchise shall be $1.00 per day for each day of the term of the Franchise, or $365 annually; payable in a lump sum on or before the effective date of this Franchise and thereafter, due and payable annually on or before July 1 for the term of the Franchise. The

city reserves the right to adjust this fee upon sixty (60) days' notice to **Here To There Adventures**.

13. Fares: The fees charged by **Here To There Adventures** for pedicab service shall be prominently displayed on the outside of the pedicab vehicle.

14. Temporary Suspension/Modification: This Franchise and any of the terms and conditions thereof, including those relating to route, stops, and scheduling are subject to temporary suspension or modification by the City as necessary for the City to exercise and maintain control over its streets and public ways. The reasons for such action may include (by way of example and not limitation), the following: (a) closing of streets for repairs; (b) closing of streets for parades and festivals; (c) change in direction of one way streets; (d) changes in parking configuration. Any such action shall be within the City's sole discretion without recourse by **Here To There Adventures**. The City will endeavor to provide advance notice of such action, but shall not be bound to do so. Suspension or modification expected to be of more than 30 days duration will require amendment to this Ordinance.

15. Compliance with Laws: **Here To There Adventures** shall comply with all applicable federal, state, and local laws in the operation of its business. Pursuant to City Code, no third-party advertising is allowed on the outside of the vehicles.

Section 2. All ordinances and clauses of ordinances in conflict herewith be and the same are hereby repealed to the extent of such conflict.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted on first reading this 3rd day of October, 2017 and on second and final reading on the 24 day of October, 2017.

Magdalena Bouleson
City Clerk

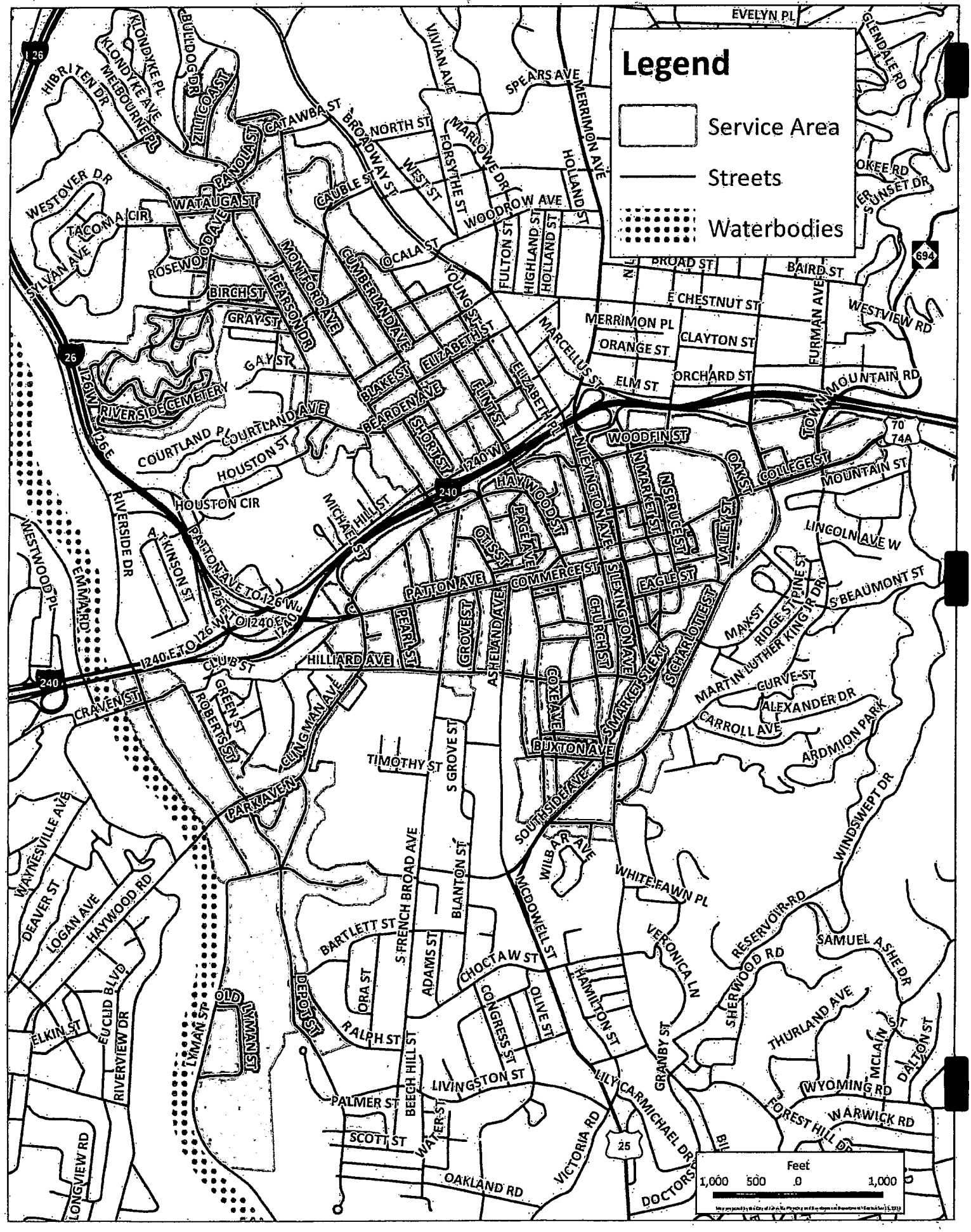
Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalena Bouleson
City Clerk

Pedicab Service - Exhibit A Map



ORDINANCE NO. 4616

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment forms attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 3rd day of October 2017.

Magdalen Bowlesson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

PURPOSE: To set up the project budget for the Transportation for Senior Companions Program, Land of Sky Regional Council; Vocational Solutions, Henderson County; Supplemental Elderly and Disabled Assistance, Buncombe County; Paratransit services beyond required service area and ADA improvements to the transit station, City of Asheville; The RIDE Program, Buncombe County and the City of Asheville's administrative costs.

Magdalen Bowlesson
City Clerk

CITY OF ASHEVILLE

BUDGET AMENDMENT

FISCAL YEAR	EFFECTIVE DATE
2017/18	10/3/2017

Purpose: To set up the project budgets for the Enhanced Mobility of Seniors and Individuals with Disabilities federal grant, section 5310.

Requesting Department: Transportation

Amendment to: Transit Fund; Transit Capital Projects Fund

	Account	Current Budget	Amended Budget	Increase (Decrease)
Revenues				
65100950-435000-T1809	Restricted Intergov Federal Grants	$ -	$ (202,056)	$ (202,056)
65000950-435000	Restricted Intergov Federal Grants	$ -	$ (122,451)	$ (122,451)
Expenditures				
65100950-527101-T1809	Awarded Grants	$ -	$ 202,056	$ 202,056
65000951-521015	Transit Operations Charge	$ 6,077,282	$ 6,199,733	$ 122,451
BALANCE				**$ -**

ORDINANCE NO. 4617

ORDINANCE AMENDING ZONING FOR PROPERTY LOCATED AT
671 SAND HILL ROAD

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statues, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this proposed amendment is consistent with the City's 2025 Comprehensive Plan, Smart Growth policies, and other official plans of the City, and is determined to be reasonable and in the public interest for the following reason:

a. Supports smart growth through compatible infill development that takes advantage of existing infrastructure, and
b. Removes the Ordinance attached to the property and returns it to the original zoning designation providing more flexibility for future growth and development.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

The zoning classification of that certain real properties described in Exhibit A and identified on Buncombe County tax maps as PIN 9627-59-0175, and, recorded in Deed Book 5061, Page 281; and currently owned by Classical Properties LLC from Residential Multi-family, Medium Density – Conditional Zone (RM6-CZ) to from Residential Multi-family, Medium Density (RM6). A copy of the official zoning map showing said lot is attached hereto as Exhibit "A" and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it

would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed, to the extent of such conflict.

Section 5. The ordinances shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 6. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 3rd day of October, 2017.

Magdalen Bourleson
City Clerk

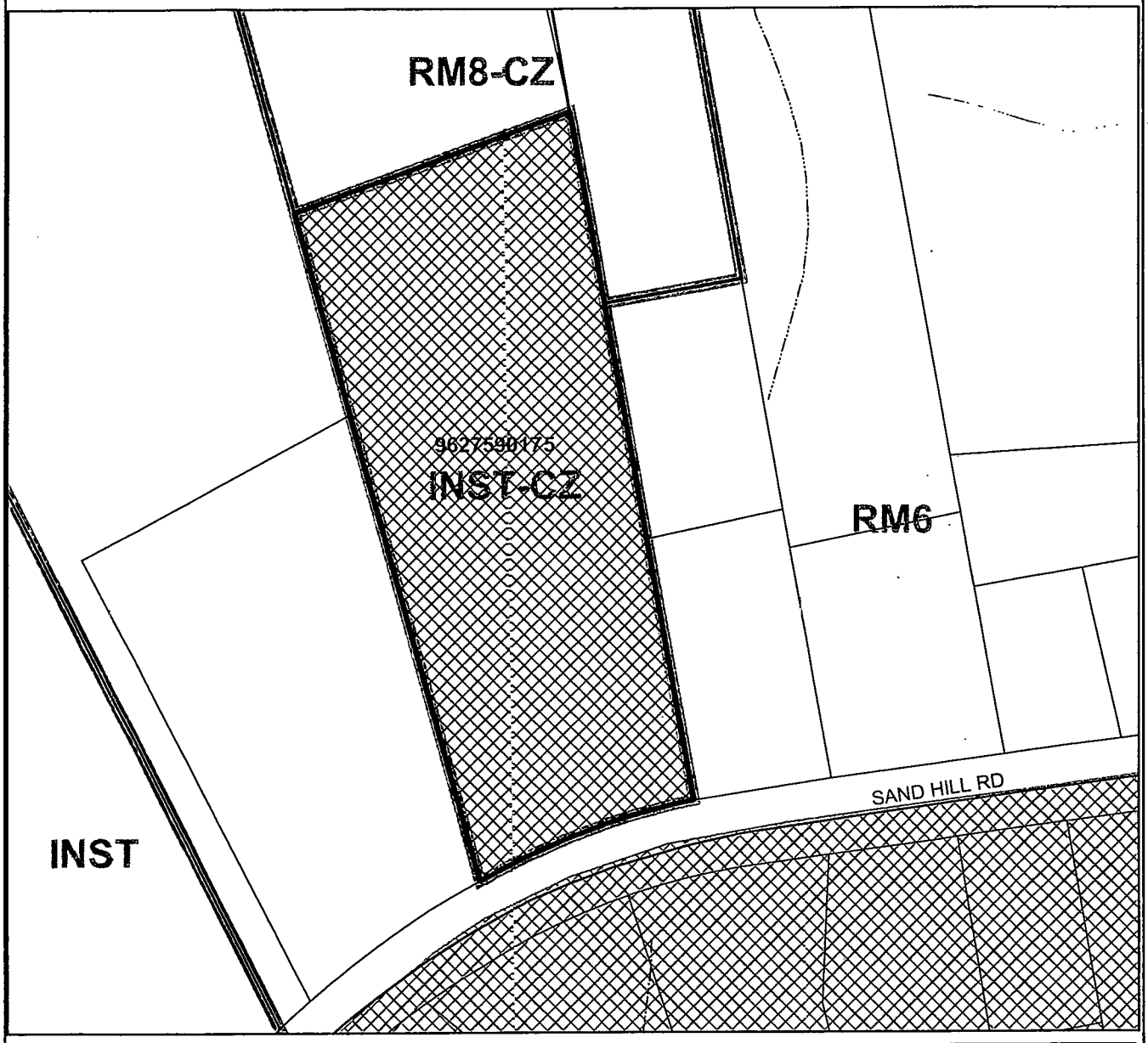
Mayor

Approved as to form:

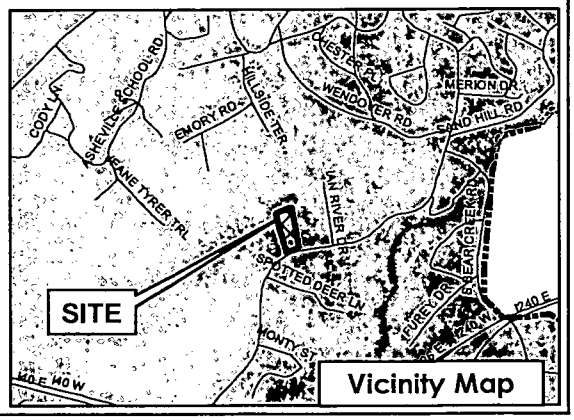
City Attorney

Magdalen Bourleson
City Clerk

City of Asheville - Exhibit A Map
Rezoning - 671 Sand Hill Rd.



Project Name:	671 Sand Hill Rd. Rezoning
Project Number:	17 - 07147 PZ
Project Description:	Rezoning
Petitioner(s):	Barry Bialik (agent)
Parcel ID Number(s):	9627-59-0175
Location/Address:	671 Sand Hill Rd.



Project Site
Parcels
Zoning Districts
Asheville City Limits
Streets
Streams

342

ORDINANCE NO. 4618

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 24th day of October, 2017.

Magdalen Burleson

City Clerk

Esther E. Manheimer

Mayor

Approved as to form:

City Attorney

PURPOSE: Approve funds be appropriated in the Transit Capital Fund for the Transportation Department to utilize.

Magdalen Burleson
City Clerk

CITY OF ASHEVILLE

BUDGET AMENDMENT

FISCAL YEAR	EFFECTIVE DATE
2017/18	10/24/2017

Purpose: To appropriate insurance recovery funds to the Transportation Department for bus shelter replacement

Requesting Department: Transportation

Amendment to: Transit Capital Fund

	Account	Current Budget	Amended Budget	Increase (Decrease)
Revenues				
65190950-498813-T1501	Transfer from Property & Liability Fund	$ -	$ 7,650	$ 7,650
Expenditures				
65100950-522001-T1501	Maintenance & Repairs	$ 256	$ 7,906	$ 7,650
BALANCE				$ -

Revision to: Property & Liability Fund

	Account	Current Budget	Amended Budget	Increase (Decrease)
Expenditures				
81390038-800651	Transfer to Transit Capital Fund	$ -	$ 7,650	$ 7,650
81300038-525002	Insurance - Claims	$ 949,750	$ 942,100	$ (7,650)
BALANCE				$ -

344

ORDINANCE NO. 4619

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 24th day of October, 2017.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

PURPOSE: Acceptance of Keep America Beautiful Grant Funding from the ADA to carry out a project to support a cigarette litter prevention program.

Magdalen Burleson
City Clerk

CITY OF ASHEVILLE

BUDGET AMENDMENT

FISCAL YEAR	EFFECTIVE DATE
2017/18	10/24/2017

Purpose: To accept Keep America Beautiful grant funds from the Asheville Downtown Association, for cigarette waste receptacles in the downtown area.

Requesting Department: Public Works

Amendment to: General Fund

	Account	Current Budget	Amended Budget	Increase (Decrease)
Revenues				
11003110-483300	Private Donations	$ -	$ 8,000	$ 8,000
Expenditures				
11003110-524101	Materials	$ 20,150	$ 28,150	$ 8,000
BALANCE				$ -

346

ORDINANCE NO. 4620

ORDINANCE ESTABLISHING CONDITIONAL ZONING FOR PROPERTY LOCATED AT 95 ROBERTS STREET

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statues, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this proposed amendment is consistent with the City's 2025 Comprehensive Plan, Smart Growth policies, and other official plans of the City for the reasons set out in the Staff Report, which is hereby adopted and incorporated by reference; and

WHEREAS, this proposed ordinance is determined to be reasonable and in the public interest as follows:

a. The project adaptively reuses an historic building, maintaining and preserving the industrial architectural character of the district;
b. The design activates the streetscape and the overall project creates new public on-street parking spaces;
c. The use is along a commercial corridor and transit line where lodging and retail uses are anticipated and appropriate.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

The zoning classification of that certain real property described in Exhibit A and identified on Buncombe County tax maps as PIN 9638-97-5796 recorded in Deed Book 5162, Page 60 and currently owned by Greer Building, LLC from River District to Lodging Expansion Conditional Zone district. A copy of the official zoning map showing said lots is attached hereto as Exhibit "A" and made a part hereof. Said rezoning is subject to the conditions set out in Exhibit "B.1", and substantially

complies with the site plans shown in Exhibit "C", both attached hereto and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. . The ordinances shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 5. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 24th day of October, 2017.

Magdalen Boulison
City Clerk

Esther E. Manheimer
Mayor

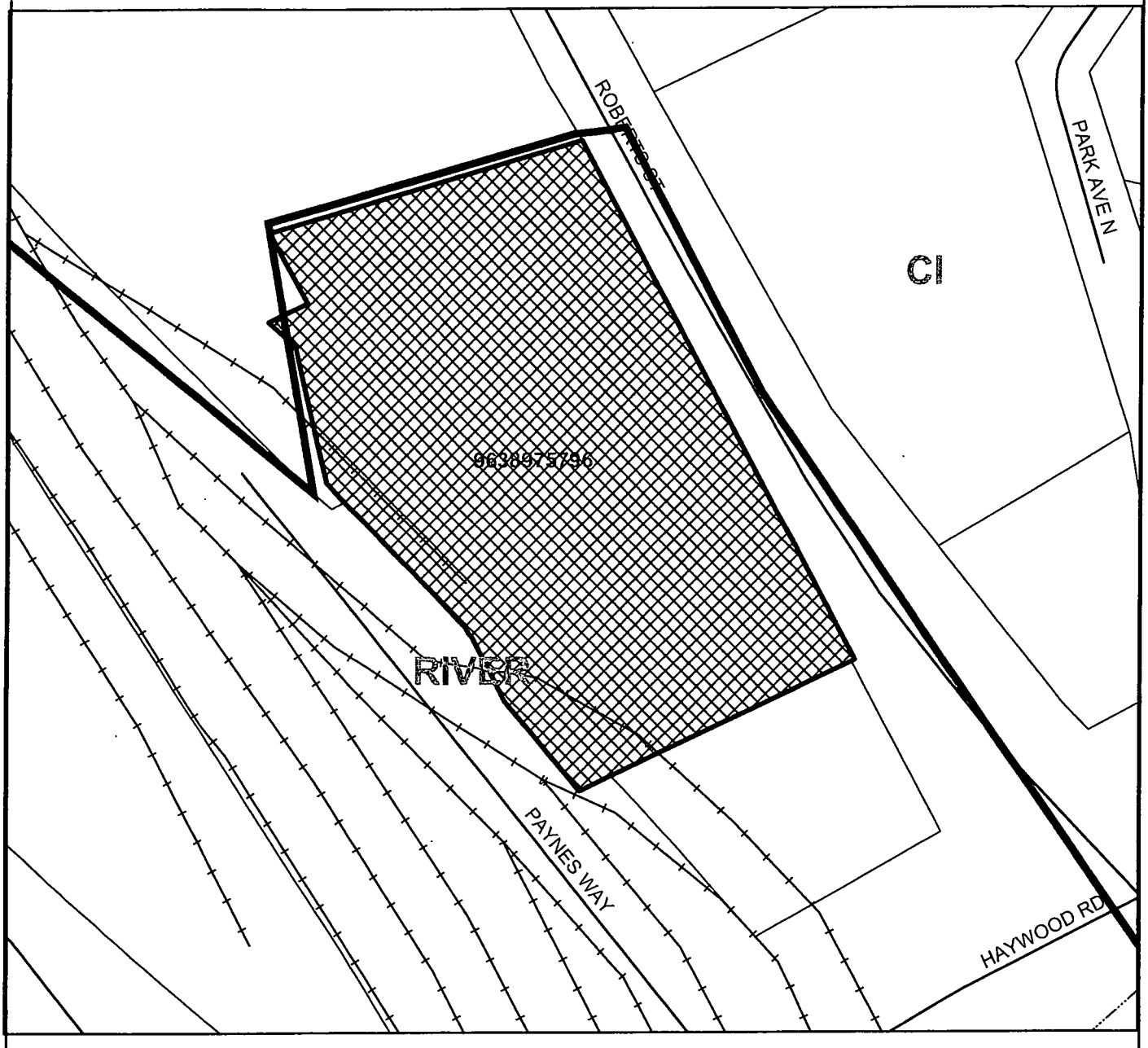
Approved as to form:

City Attorney

Magdalen Boulison
City Clerk

348

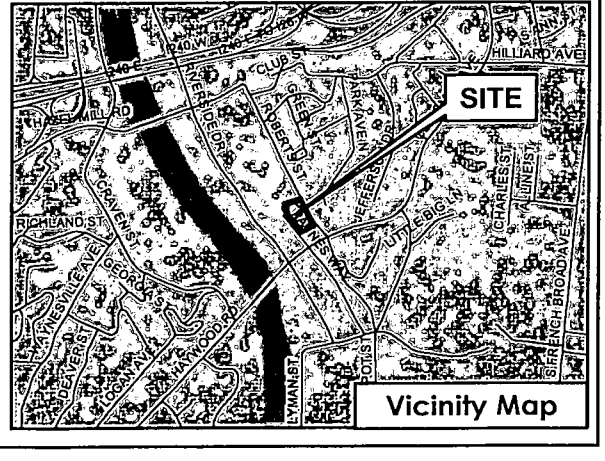
City of Asheville - Exhibit A Map
Conditional Zoning - 95 Roberts Street



Project Name: 95 Roberts Street
Project Number: 17 - 07103 PZ
Project Description: Lodging Expansion CZ
Petitioner(s): Greer Building LLC
Parcel ID Number(s): 9638-97-5796

Location/Address: 95 Roberts Street

Project Site | Parcels | Asheville City Limits
Zoning Districts | Streets | River Areas



City of Asheville Planning and Urban Design Department - September 2017

95 Roberts Street

Exhibit B.1 – Conditions List

1. The zoning for the site is Lodging Expansion District – Conditional Zone (LODG EXP-CZ).

2. The permitted uses for the property are: 1) a new hotel with not more than 70 guest rooms; 2) eating and drinking establishments and 3) retail spaces, as shown on the plans and included herein and incorporated by reference.

3. A minimum of 73 spaces are provided for the approved uses via a remote parking agreement.

4. There shall be a sidewalk along the building frontage ranging in width from eight to ten feet, and as shown on the site plan, which is incorporated by reference.

5. Project shall include at least 3,000 square feet of open space (courtyard and stairs providing access to Roberts Street from Payne's Way) as indicated on the site plan, which is incorporated by reference.

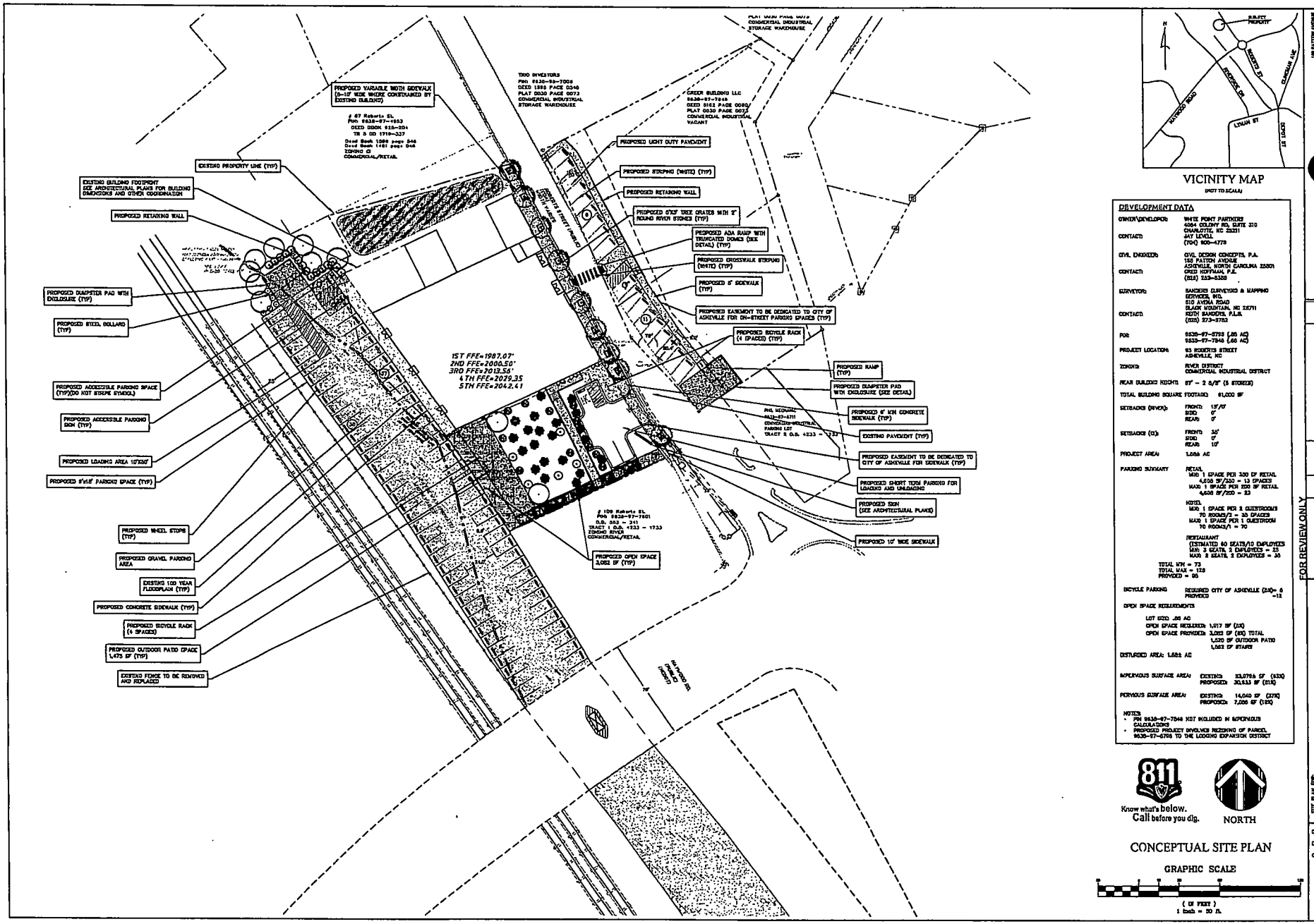
6. Landscaping will meet the requirements of the UDO and includes street trees, building impact and dumpster screening in compliance with the approved landscape plan, which is incorporated by reference.

7. Signage shall comply with the signage regulations from the applicable zoning ordinance at the time the building permits are issued.

8. The building design, site design, construction materials and orientation of the property must substantially comply with the approved site plan which is incorporated herein by reference. Any major deviations from these plans will require rezoning.

9. All legally required local, state, and federal permits and approvals must be obtained prior to initiation of construction and any pertinent legal requirements shall be met.

Exhibit C 1 of 2



VICINITY MAP

(NOT TO SCALE)

DEVELOPMENT DATA

OWNER\DEVELOPER:	WHITE POINT PARTNERS 4004 COLONY RD, SUITE 310 CHARLOTTE, NC 28211 JAY LOVELL (704) 900-4778
CIVIL ENGINEER:	CIVIL DESIGN CONCEPTS, P.A. 155 PATTON AVENUE ASHEVILLE, NORTH CAROLINA 28801 GREG HOFFMAN, P.E. (828) 253-8328
SURVEYOR:	SANDERS SURVEYORS & MAPPING SERVICES, INC. 510 AVENA ROAD BLACK MOUNTAIN, NC 28711 KEITH SANDERS, P.L.S.
CONTACT:	(828) 273-3782
FOR:	9638-97-5782 (.85 AC) 9638-97-7846 (.66 AC)
PROJECT LOCATION:	95 ROBERTS STREET ASHEVILLE, NC
ZONING:	RIVER DISTRICT COMMERCIAL INDUSTRIAL DISTRICT
MEAN BUILDING HEIGHT:	57' - 2 5/8" (5 STORIES)
TOTAL BUILDING SQUARE FOOTAGE:	61,000 SF
SETBACKS (RIVER):	FRONT: 15'/0' SIDE: 0' REAR: 0'
SETBACKS (CI):	FRONT: 35' SIDE: 0' REAR: 10'
PROJECT AREA:	1.52± AC
PARKING SUMMARY	RETAIL MIN 1 SPACE PER 350 SF RETAIL 4,606 SF/350 = 13 SPACES MAX 1 SPACE PER 200 SF RETAIL 4,606 SF/200 = 23 HOTEL MIN 1 SPACE PER 2 GUESTROOMS 70 ROOMS/2 = 35 SPACES MAX 1 SPACE PER 1 GUESTROOM 70 ROOMS/1 = 70 RESTAURANT (ESTIMATED 60 SEATS/10 EMPLOYEES) MIN 3 SEATS, 2 EMPLOYEES = 23 MAX 2 SEATS, 2 EMPLOYEES = 35 TOTAL MIN = 73 TOTAL MAX = 128 PROVIDED = 95
BICYCLE PARKING	REQUIRED CITY OF ASHEVILLE (2%)= 6 PROVIDED =12

OPEN SPACE REQUIREMENTS

LOT SIZE .66 AC
OPEN SPACE REQUIRED: 1,017 SF (20%)
OPEN SPACE PROVIDED: 3,052 SF (60%) TOTAL
1,530 SF OUTDOOR PATIO
1,522 SF STAIRS

DISTURBED AREA: 1.52± AC

IMPERVIOUS SURFACE AREA:	EXISTING:	33,078± SF (53%)
	PROPOSED:	30,833 SF (51%)
PERVIOUS SURFACE AREA:	EXISTING:	14,040 SF (27%)
	PROPOSED:	7,086 SF (13%)

NOTES:
- PIN 9638-97-7846 NOT INCLUDED IN IMPERVIOUS CALCULATIONS
- PROPOSED PROJECT INVOLVES REZONING OF PARCEL 9638-97-6782 TO THE LODGING EXPANSION DISTRICT

Know what's below. Call before you dig.

NORTH

CONCEPTUAL SITE PLAN

GRAPHIC SCALE

(IN FEET)
1 inch = 50 ft.

155 PATTON AVENUE
ASHEVILLE, NC 28801
PHONE (828) 253-8328
FAX (828) 253-4043

23 VILLAGE DIRECT, SUITE 1
WAYNESVILLE, NC 28786
PHONE (828) 452-4145
FAX (828) 452-4146

CDC Civil Design Concepts, P.A.
www.cdcdesignconcepts.com
NC#C-0 LICENSED #: C-0184

5	03	03	BY
4	1/18	1/18	LJB
3	9/21/2017	9/21/2017	LJB
2	9/20/2017	9/20/2017	LJB
1	8/11/17	8/11/17	BEL
NO.	DATE	DATE	DESCRIPTION

FOR REVIEW ONLY

SITE PLAN FOR:

95 ROBERTS STREET

ASHEVILLE, NORTH CAROLINA

DATE: 08/23/17

DRAWN BY: BM

CDC PROJECT NO.: 21724

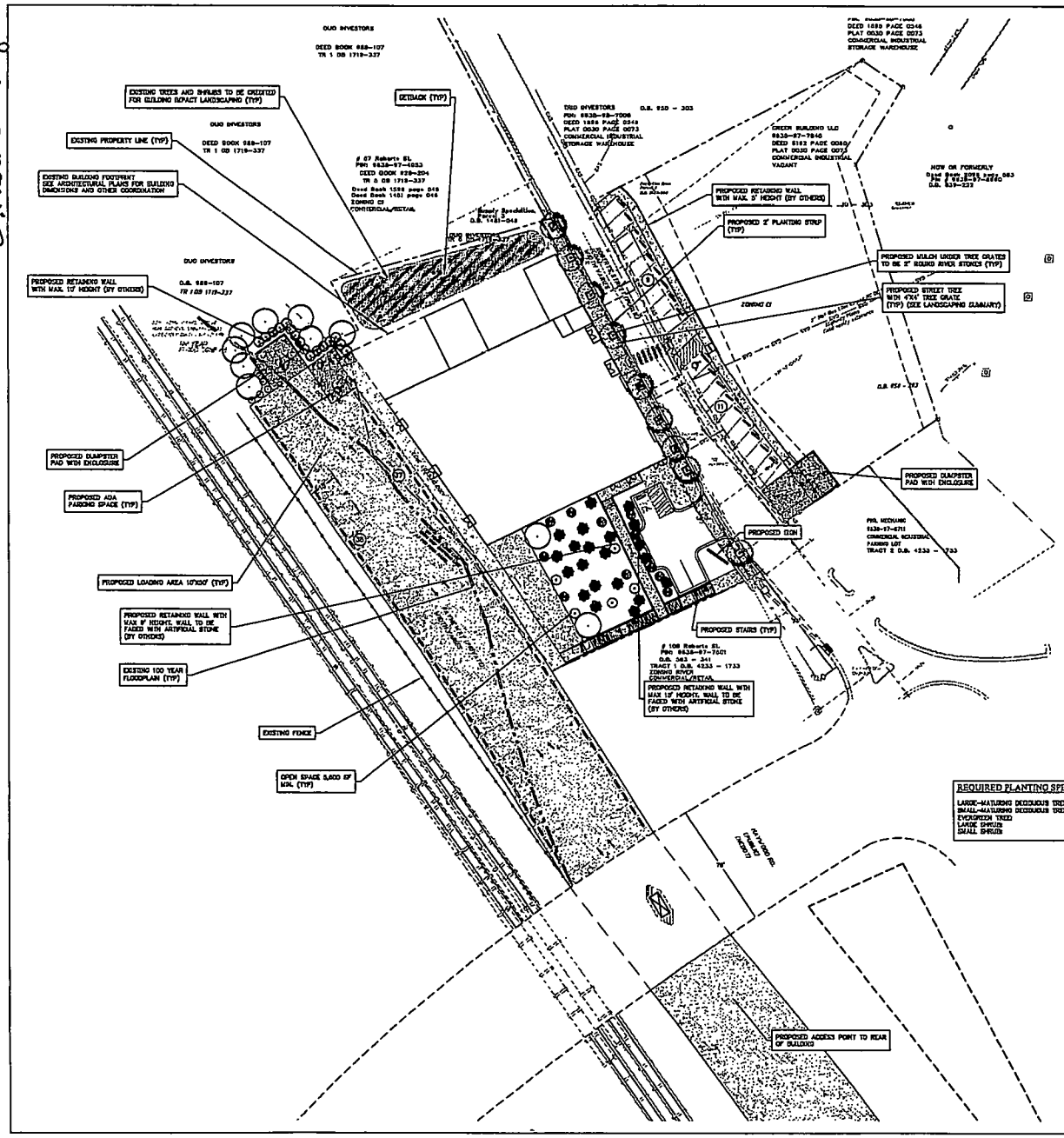
SHEET

C201

350

39

Exhibit C - 2 of 2



LANDSCAPING NOTES

1. ALL LANDSCAPING SHALL BE IN ACCORDANCE WITH ALL CITY OF ASHEVILLE'S SITE PLANNING AND DEVELOPMENT GUIDELINES (LANDSCAPE ORDINANCE).
2. THE CONTRACTOR IS TO NOTIFY ALL UTILITY COMPANIES AT LEAST 72 HOURS BEFORE CONSTRUCTION ACTIVITY IS TO BEGIN. THE CONTRACTOR SHALL NOTIFY NO ONE CALL AT 1-800-632-4949, 48 HOURS BEFORE CONSTRUCTION BEGINS.
3. STREET TREE SPECIES WITHIN RIGHT-OF-WAY TO BE COORDINATED WITH CITY OF ASHEVILLE ARBORIST.
4. GROUND COVER TO BE GRASS PER CITY OF ASHEVILLE PERMANENT SEEDING REQUIREMENTS.
5. TREES AND SHRUBS TO COMPLY WITH UDO AS FOLLOWS:
   SMALL-MATURING DECIDUOUS TREE: SMALLER THAN 35 FEET AT MATURITY. THE MINIMUM TREE SIZE SHALL BE AT LEAST ONE AND ONE-HALF INCH CALIPER OR EIGHT TO TEN FEET HIGH AT TIME OF PLANTING.
   LARGE SHRUB: MINIMUM FIVE GALLON CONTAINER OR TEN-INCH ROOT BALL WITH A HEIGHT OF 24 INCHES AT TIME OF PLANTING.
   SMALL SHRUB: MINIMUM THREE GALLON CONTAINER OR EIGHT-INCH ROOT BALL WITH A HEIGHT OF 18 INCHES AT TIME OF PLANTING.
6. DUE TO EXISTING TREES THROUGHOUT THE SITE, THE FINAL NUMBER OF TREES AND SHRUBS REQUIRED AND PROVIDED WILL BE BY AGREEMENT WITH THE CITY OF ASHEVILLE PLANNING DEPARTMENT BASED UPON AN ON-SITE INVENTORY.
7. APPLICABLE RETAINING WALLS WILL BE LANDSCAPED PER UDO REQUIREMENTS IN ORDINANCE 3481.
8. LANDSCAPE CONTRACTOR MUST COORDINATE THE LOCATION OF THE TREES TO AVOID EXISTING AND PROPOSED SEWER LINES AND SEWER LINE EASEMENTS. NO TREES ARE ALLOWED TO BE PLANTED IN SUCH EASEMENTS.
9. THE CONTRACTOR SHALL MAKE A REASONABLE EFFORT IN AVOIDING PLANTING DIRECTLY OVER KNOWN EXISTING UTILITIES AND STORM SEWER.
10. THE OWNER / CONTRACTOR SHALL SELECT ALL PROPOSED PLANTINGS FROM THE RECOMMENDED SPECIES LIST OF THE CITY OF ASHEVILLE'S CURRENT UNIFIED DEVELOPMENT ORDINANCE (UDO). IT IS RECOMMENDED THE OWNER / CONTRACTOR VERIFY SELECTIONS FOR SUITABILITY WITH A QUALIFIED LANDSCAPE ARCHITECT PRIOR TO PLANTING.

LANDSCAPE SUMMARY

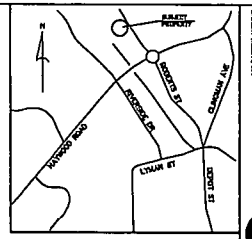
1) STREET TREES
   1 SMALL MATURING TREE EVERY 30FT OF STREET FRONTAGE
   240 LF OF FRONTAGE = 8 TREES
2) BUILDING IMPACT LANDSCAPING
   1 TREE & 3 SHRUBS PER 1,000 SF OF BUILDING FOOTPRINT
   18,630 SF OF BUILDING FOOTPRINT
   TREES REQUIRED = 17
   TREES PROVIDED = 10 PLUS EXISTING TREES FOR CREDIT
   SHRUBS REQUIRED = 54
   SHRUBS PROVIDED = 42
3) RETAINING WALL SCREENING
   8-10 FEET TALL: (1) 3 GALLON-SIZED SHRUB PER 8 LF
   LF OF WALL = 78 LF
   SHRUBS REQUIRED = 18
   SHRUBS PROVIDED = 18
4) LANDSCAPE TOTALS
   TREES REQUIRED = 25
   TREES PROVIDED = 19
   SHRUBS REQUIRED = 60
   SHRUBS PROVIDED = 58

LANDSCAPE LEGEND

SYMBOL	QTY	DESCRIPTION	SPECIES
	8	SMALL MATURING DECIDUOUS TREE	AMERICAN HOLLY
	10	LARGE MATURING DECIDUOUS TREE	RIVER BIRCH
	21	LARGE EVERGREEN SHRUB	DROOPING LEUCOTHOE
	25	LARGE DECIDUOUS SHRUB	SWEET AZALEA
	11	SMALL DECIDUOUS SHRUB	SMOOTH HYDRANGEA

REQUIRED PLANTING SPECIFICATIONS:

LARGE-MATURING DECIDUOUS TREE:	MIN. 2 INCHES CALIPER AND 12-14' HIGH AT PLANTING
SMALL-MATURING DECIDUOUS TREE:	MIN. 1.5 INCHES CALIPER AND 8-10' HIGH AT PLANTING
EVERGREEN TREE	MIN. 8' HIGH AT PLANTING
LARGE SHRUB	MIN. 5 GALLON CONTAINER OR TEN INCH ROOT BALL AND 24 INCHES HIGH AT PLANTING
SMALL SHRUB	MIN. 3 GALLON CONTAINER OR TEN INCH ROOT BALL AND 18 INCHES HIGH AT PLANTING



VICINITY MAP
(NOT TO SCALE)

DEVELOPMENT DATA

OWNER/DEVELOPER:	WHITE POINT PARTNERS 4064 COLONY RD, SUITE 310 CHARLOTTE, NC 28211
CONTACT:	JAY LEVELL (704) 908-4778
CIVIL ENGINEER:	CIVIL DESIGN CONCEPTS, P.A. 168 PATTON AVENUE ASHEVILLE, NORTH CAROLINA 28801
CONTACT:	GREG HOFFMAN, P.E. (828) 253-3388
SURVEYOR:	SANDERS SURVEYING & MAPPING SERVICES, INC. 810 AVONA ROAD BLACK MOUNTAIN, NC 28711
CONTACT:	KEITH SANDERS, P.L.S. (828) 273-3782
PIN:	9638-97-5796 (.20 AC) 9638-97-7846 (.85 AC)
PROJECT LOCATION:	95 ROBERTS STREET ASHEVILLE, NC
ZONING:	RIVER DISTRICT COMMERCIAL INDUSTRIAL DISTRICT
MEAN BUILDING HEIGHT:	67' - 2 5/8" (5 STORIES)
TOTAL BUILDING SQUARE FOOTAGE:	61,000 SF
SETBACKS (RIVER):	FRONT: 15'/0' SIDE: 0' REAR: 0'
SETBACKS (CI):	FRONT: 35' SIDE: 0' REAR: 10'
PROJECT AREA:	1.05± AC
PARKING SUMMARY	RETAIL MIN 1 SPACE PER 350 SF RETAIL 4,600 SF/350 = 13 SPACES MAX 1 SPACE PER 200 SF RETAIL 4,600 SF/200 = 23 HOTEL MIN 1 SPACE PER 2 GUESTROOMS 70 ROOMS/2 = 35 SPACES MAX 1 SPACE PER 1 GUESTROOM 70 ROOMS/1 = 70 RESTAURANT (ESTIMATED 60 SEATS/10 EMPLOYEES) MIN 3 SEATS, 2 EMPLOYEES = 23 MAX 3 SEATS, 2 EMPLOYEES = 35 TOTAL MIN = 73 TOTAL MAX = 123 PROVIDED = 83
BICYCLE PARKING	REQUIRED CITY OF ASHEVILLE (2%)= 6 PROVIDED =12
OPEN SPACE REQUIREMENTS	LOT SIZE: .85 AC OPEN SPACE REQUIRED: 1,017 SF (20) OPEN SPACE PROVIDED: 2,093 SF (20) TOTAL 1,520 SF OUTDOOR PATIO 1,042 SF STAIRS
DISTURBED AREA: 1.52± AC	
IMPERVIOUS SURFACE AREA:	EXISTING: 33,078± SF (.83%) PROPOSED: 30,833 SF (.81%)
PERVIOUS SURFACE AREA:	EXISTING: 14,040 SF (.37%) PROPOSED: 7,055 SF (.19%)

NOTES:
- PIN 9638-97-7846 NOT INCLUDED IN IMPERVIOUS CALCULATIONS
- PROPOSED PROJECT INVOLVES REZONING OF PARCEL 9638-97-5796 TO THE LOCKING EXPANSION DISTRICT

811
Know what's below.
Call before you dig.

NORTH

CONCEPTUAL LANDSCAPING COMPLIANCE PLAN

GRAPHIC SCALE

(IN FEET)
1 inch = 20 ft.

168 PATTON AVENUE
ASHEVILLE, NC 28801
PHONE (828) 253-3388
FAX (828) 254-4123

23 WALLACE STREET - SUITE B
WAYNESVILLE, NC 28786
PHONE (828) 452-2112
FAX (828) 456-4123

CDC Civil Design Concepts, PA
www.civildesignconcepts.com
NC BOARD LICENSE #: C-0738

NO.	DATE	DESCRIPTION	BY
1.	8/11/17	RIVER DISTRICT DESIGN REVIEW SUBMITTAL	CD
2.	8/23/2017	CONCEPTUAL TRC SUBMITTAL	CD
3.	9/08/2017	REVISE PASSENGER DROP OFF	LMR
4.	9/01/2017	PASSENGER LOADING ZONE EXTENSION	LMR
5.	9/21/2017	TRC REVIEW COMMENTS	LMR

FOR REVIEW ONLY

CONCEPTUAL LANDSCAPING COMPLIANCE PLAN FOR:

95 ROBERTS STREET

ASHEVILLE, NORTH CAROLINA

DATE: 08/23/17
DRAWN BY: CM
CDC PROJECT NO.: 21724
SHEET
L101

352

ORDINANCE NO. 4621

ORDINANCE AMENDING CHAPTER 7 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE TO AMEND RESIDENTIAL LOT SIZE AND DENSITY STANDARDS

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety, and welfare; and

WHEREAS, the Unified Development Ordinance (Chapter 7 of the City Code of Ordinances) specifies minimum dimensional standards for single and multifamily development; and

WHEREAS, the Comprehensive Plan encourages compatible residential infill while considering infrastructure needs; and

WHEREAS, this revision aligns with City Council's goals for a diverse range of housing choices available city-wide to meet the needs of a growing community; and

WHEREAS, this Ordinance is determined to be reasonable, in the public interest, and is consistent with the Comprehensive Plan in the following ways:

1. The amendment promotes more abundant and varied housing options through neighborhood-compatible residential infill; and
2. The amendment supports walkable neighborhoods and transit-supported development by encouraging more efficient land use.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1: Chapter 7 of the Code of Ordinances of the City of Asheville is hereby amended as follows:

a. Section 7-8-2(f)(3) is amended in the following way:

"(3) *Lot size standards.* The minimum lot size in the RS-2 District shall be 16,000 square feet."

b. Section 7-8-3(f)(3) is amended in the following way:

"*(3) Lot size standards.* The minimum lot size in the RS-4 District shall be 8,000 square feet."

c. Section 7-8-4(f)(3) is amended in the following way:

"(3) *Lot size standards.* The minimum lot size in the RS-8 District shall be 4,000 square feet."

d. Section 7-8-5(f)(1) and (3) are amended in the following ways:

"(1) *Density standards.* The maximum residential density in the RM-6 district shall be two dwelling units for the first 6,000 square feet of lot area and an additional dwelling unit may be provided for each 1,000 square feet of lot area in excess of the minimum lot standard.

(3) *Lot size standards.* The minimum lot size in the RM-6 District shall be 6,000 square feet."

e. Section 7-8-6(f)(1) and (3) are amended in the following ways:

"(1) *Density standards.* The maximum residential density in the RM-8 District shall be two dwelling units for the first 4,000 square feet of lot area and an additional dwelling unit may be provided for each 1,000 square feet of lot area in excess of the minimum lot standard.

(3) *Lot size standards.* The minimum lot size in the RM-8 District shall be 4,000 square feet."

f. Section 7-8-7(f)(1) and (3) are amended in the following ways:

"(1) *Density standards.* The maximum residential density in the RM-16 District shall be two dwelling units for the first 2,500 square feet of lot area and an additional dwelling unit may be provided for each 1,000 square feet of lot area in excess of the minimum lot standard.

(3) *Lot size standards.* The minimum lot size in the RM-16 District shall be 2,500 square feet."

Section 2: If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 3: All ordinances or parts of ordinances in conflict are hereby repealed to the extent of such conflict.

354

Section 4: This ordinance will become effective upon adoption.

Read, approved, and adopted this 24th day of October, 2017.

Magdalen Boulson
City Clerk

Esther G. Marks
Mayor

Approved as to form:

City Attorney

Magdalen Boulson
City Clerk

ORDINANCE NO. 4622

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made a part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 14th day of November, 2017.

Magdalen Bouleson
City Clerk

Esther E Manheimer
Mayor

Approved as to form:

City Attorney

PURPOSE: To appropriate North Carolina Governor's Highway Safety funds to cover the expenses of necessary equipment, training and travel expenses.

Magdalen Bouleson
City Clerk

CITY OF ASHEVILLE			**BUDGET AMENDMENT**	
			2017/18	11/14/2017
			FISCAL YEAR	EFFECTIVE DATE
Purpose:	North Carolina Governor's Highway Safety Program Regional Liaison Grant.			
Requesting Department:	Police			
Amendment to:	General Fund			
	Account	**Current Budget**	**Amended Budget**	**Increase (Decrease)**
Revenues				
22000120-435000-P1800	Restricted Intergov Federal Grants	$ -	$ 43,000	$ 43,000
Expenditures				
22000120-523001-P1800	Training	$ -	$ 20,000	$ 20,000
22000120-524001-P1800	Supplies	$ -	$ 23,000	$ 23,000
BALANCE				$ -

ORDINANCE NO. 4623

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made a part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 14th day of November, 2017.

Magdalen Bowlesson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

PURPOSE: To appropriate North Carolina Governor's Highway Safety funds for the DWI Task Force year #5 Grant.

Magdalen Bowlesson
City Clerk

358

CITY OF ASHEVILLE

BUDGET AMENDMENT

FISCAL YEAR	EFFECTIVE DATE
2017/18	11/14/2017

Purpose: To continue the DWI Task Force Grant into Year 5.

Requesting Department: Police

Amendment to: General Fund

	Account	Current Budget	Amended Budget	Increase (Decrease)
Revenues				
22000122-435000-P1401	Restricted Intergov Federal Grants	$ (1,380,060)	$ (1,498,644)	$ 118,584
22000122-498100-P1401	Operating Transfers from General Fund	$ (254,872)	$ (504,868)	$ 249,996
22000122-483000-P1401	In-Kind External Participation	$ (135,882)	$ (169,633)	$ 33,751
Expenditures				
22000122-511999-P1401	Contra Salaries and Wages	$1,070,980	$ 1,354,727	$ 283,747
22000122-527101-P1401	Awarded Grants	$ 526,452	$ 611,285	$ 84,833
22000122-521000-P1401	In-Kind Services - External	$ 135,882	$ 169,633	$ 33,751
BALANCE				$ -

ORDINANCE NO. 4624

ORDINANCE ESTABLISHING CONDITIONAL ZONING FOR PROPERTY LOCATED AT 12 MIAMI CIRCLE

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this proposed amendment is consistent with the City's 2025 Comprehensive Plan, Smart Growth policies, and other official plans of the City for the reasons set out in the Staff Report, which is hereby adopted and incorporated by reference; and

WHEREAS, this proposed ordinance is determined to be reasonable and in the public interest as follows:

a. Supports moderately scaled commercial development near a commercial highway corridor.
b. This project is consistent with other existing restaurants and uses along the Long Shoals Road corridor.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

The zoning classification of that certain real property described in Exhibit A and identified on Buncombe County tax maps as PIN 9644.89-6900 and recorded in Deed Book 5515, Page 836 and currently owned by KC Office, LLC from Institutional District to Community Business II Conditional Zone. This rezoning is subject to the conditions set out in Exhibit "B-1" and substantially complies with the site plans shown in Exhibit "C", both attached hereto and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. The ordinances shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 5. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 14th day of November, 2017.

Magdalen Bourleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

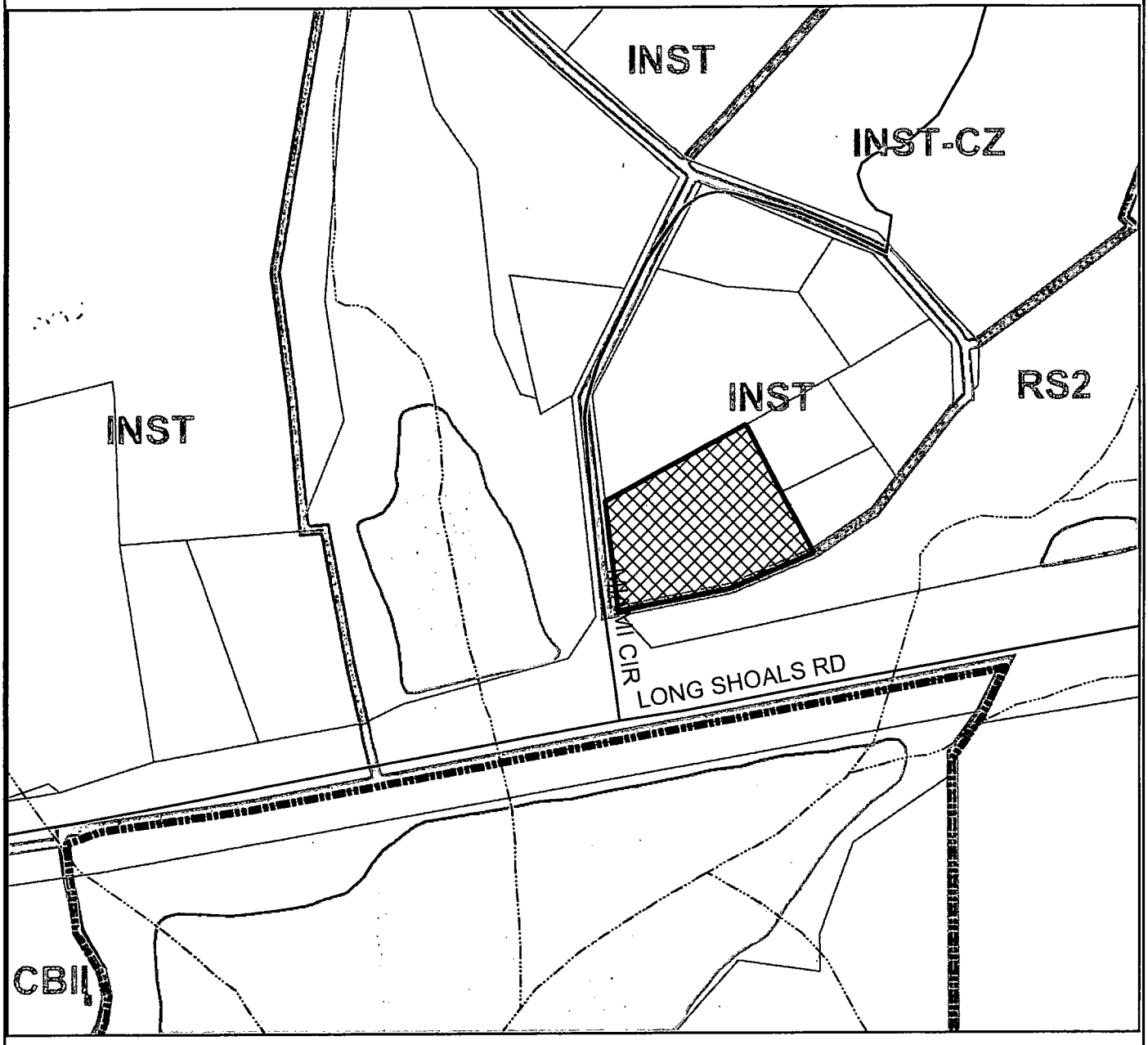
City Attorney

Magdalen Bourleson
City Clerk

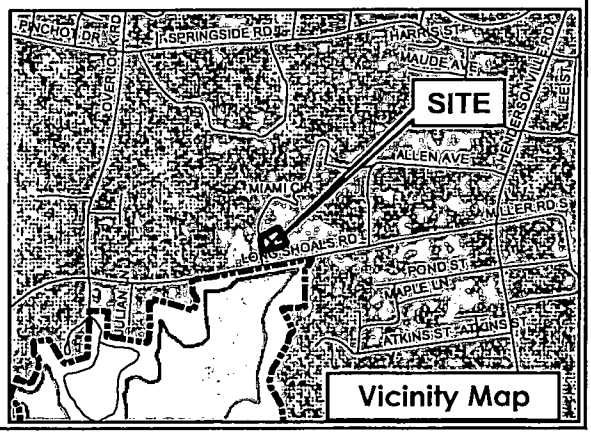
ASHEVILLE

City of Asheville - Exhibit A Map
KC Office, LLC (Pizza Hut)

N W E S



Project Name: KC Office, LLC (Pizza Hut)
Project Number: 17 - 05955 PZ
Project Description: CZ Review to allow a drive thru
Petitioner(s): KC Office, LLC
Parcel ID Number(s): 9644-89-6900
Location/Address: 12 Miami Circle



Project Site
Parcels
Zoning Districts
Asheville City Limits
Streets
Streams

City of Asheville Planning and Development Department - August 2017

Exhibit B.1 – Conditions List

1. The zoning designation for the property at 12 Miami Circle (0.81 acres, PIN 964-489-6900) is Community Business II – Conditional Zone (CB II-CZ).

2. Uses on the site are limited to a restaurant, of 2,700 s.f., 33 parking spaces and associated support facilities and amenities.

3. The drive thru / pickup window shall have the following conditions:. No separate ordering station or outside amplification will be permitted and hours of operation shall be limited to 11:00 am - 11:00 pm Sunday - Thursday and 11:00 am - 12:00 am Friday and Saturday.

4. There shall not be direct vehicular access to Long Shoals Road.

5. A safe pedestrian route from the existing public sidewalk to the restaurant shall be provided.

6. The building design, site design, construction materials and orientation on site must substantially comply with the site plan attached hereto as Exhibit A and incorporated herein by reference and the final approved site plan that is incorporated into the zoning permit. Any major deviations from these plans will require a rezoning in compliance with UDO procedures.

7. All legally required local, state, and federal permits and approvals must be obtained prior to initiation of construction and any pertinent legal requirements shall be met.

363

Exhibit "C"

PROJECT DATA BLOCK

OWNER/DEVELOPER	KC OFFICE LLC. 100 WILLIAMS RD FLETCHER, NC 28704
PERMIT NUMBER	18-01253
LANDSCAPE ARCHITECT	WADE TRIM, INC. DANIEL HYATT, PLA, ASLA 48 HAYWOOD STREET, SUITE 211 ASHEVILLE, NC 28801 828-255-1189
PIN NUMBER	8644-08-8900, D.B. 6351, PG. 1216
PROPERTY SIZE	34,413 SQFT., 0.79 AC.
EXISTING ZONING	BST – INSTITUTIONAL DISTRICT
BUILDING SET BACKS	FONT=15' REAR=15' SIDE=0'
PARKING REQUIRED (80 SEAT RESTAURANT W/15 EMPLOYEES)	MIN.=.1 SPACE/3 SEATS + 1 PER 2 EMPLOYEE = 29 SPACES MAX.= 1 SPACE/3 SEATS + PER EMPLOYEE = 42 SPACES
EXISTING PARKING	33 STANDARD SPACES + 2 HC = 35 + 2 BICYCLE SPACES (DX)
PROPOSED PARKING	29 STANDARD SPACES + 2 HC = 33 + 2 BICYCLE SPACES (DX)
EXISTING BUILDING	1-STORY 3,700 SQFT
DISTURBED AREA	0 SQFT.
IMPERVIOUS AREA	PRE DEVELOPMENT- 22261 SQFT 0.52 AC. 62%
CUT/FILL	N/A
LANDSCAPE CALCS.	SEE NOTE ON C1.0
LIGHTING REQUIREMENTS	LIGHTING PLAN PENDING
OPENSPACE CALCS.	N/A LOT IS < 1.0 AC.

EXISTING PLANT INVENTORY

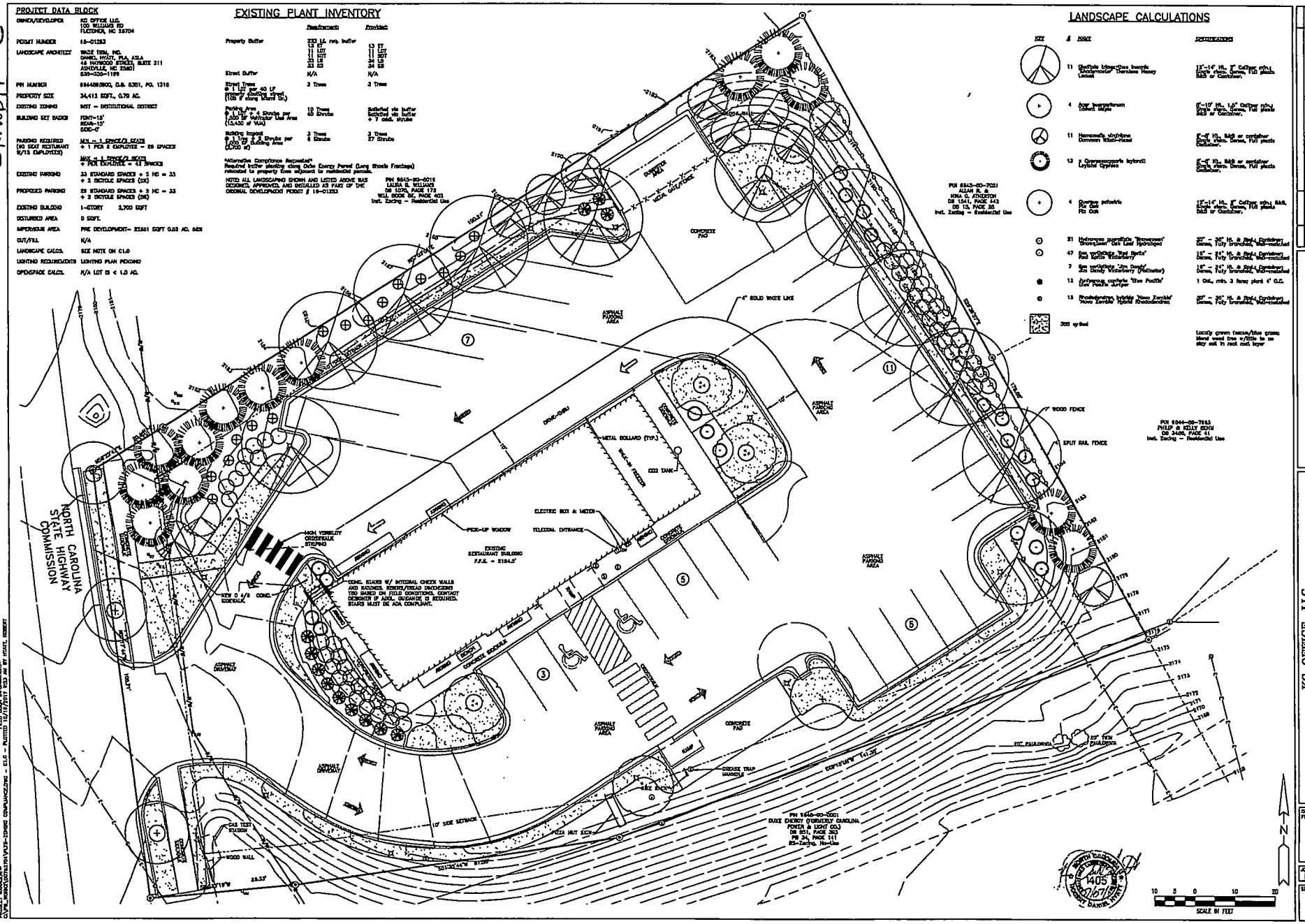
	Requirement	Provided
Property Buffer	233 LF req. buffer 12 ea 11 LST 11 DWD 34 SS	13 ET 11 LST 11 DWD 34 SS
Street Buffer	N/A	N/A
Street Trees @ 1 tree per 40 LF minus 3' clear vision zone. (120 3' along Merrill St.)	3 Trees	3 Trees
Parking Area @ 1 tree & 4 shrubs per 1,000 SF vehicular Use Area (13,400 sf VUA)	13 Trees 53 Shrubs	Satisfied via buffer Satisfied via buffer + 7 desb. shrubs
Building Impact @ 1 tree & 2 shrubs per 1,000 SF of Building Area (3,700 sf)	3 Trees 6 Shrubs	3 Trees 27 Shrubs

Alternative Compliance Requested
Required buffer planting along Outer Energy Parcel (Long Shoals Frontage) relocated to property lines adjacent to residential parcels.

NOTED ALL LANDSCAPING SHOWN AND LISTED ABOVE WAS DESIGNED, APPROVED, AND INSTALLED AS PART OF THE ORIGINAL DEVELOPMENT PERMIT # 18-01253

LANDSCAPE CALCULATIONS

KEY	#	NAME	SPECIFICATIONS
	11	Gleditsia triacanthos inermis 'Shademaster' Thornless Honey Locust	12'-14' Ht., 6" Caliper min., Single stem, Dense, Full plants B&B or Container.
	4	Acer barnesianum Island Maple	8'-10' Ht., 1.5" Caliper min., Single stem, Dense, Full plants B&B or Container.
	11	Hamamelis vernalis Common Witch-Hazel	6'-8' Ht., B&B or container Single stem, Dense, Full plants Container.
	13	I. Cryptomeria japonica Lyndhi Cryptos	6'-8' Ht., B&B or container Single stem, Dense, Full plants Container.
	4	Quercus palustris Pin Oak Pin Oak Pin Oak	12'-14' Ht., 6" Caliper min., B&B, Single stem, Dense, Full plants B&B or Container.
	21	Hydrangea paniculata 'Bombshell' 'Bombshell' Bell Lace Hydrangea	30" – 36" Ht. & Spd., Container Dense, Fully branched, Well-mulched
	47	Ilex verticillata 'Red Sprite' Sprite Winterberry	18" – 24" Ht. & Spd., Container Dense, Fully branched, Well-mulched
	7	Ilex verticillata 'Jim Dandy' Jim Dandy Winterberry (Pollinator)	18" – 24" Ht. & Spd., Container Dense, Fully branched, Well-mulched
	12	Juniperus conferta 'Blue Pacific' Blue Pacific Juniper	1 Gal., min. 3 fans; plant 4' O.C.
	13	Rhododendron hybrids 'Nova Zembla' 'Nova Zembla' Hybrid Rhododendron	30" – 36" Ht. & Spd., Container Dense, Fully branched, Well-mulched
	300 sq ft	Sod	Locally grown fescue/blue grass blend seed free w/little to no stay salt in root zone layer



NO.	REVY	DATE	DESCRIPTION	BY

WADE TRIM
48 Haywood Street, Suite 211
Asheville, NC 28801
828.255.1189
Fax 828.255.1193
www.wadetrim.com

Building relationships one to hundreds of months

KC OFFICE, LLC.
CONDITIONAL ZONING REQUEST
ASHEVILLE, NORTH CAROLINA

SITE LAYOUT, MATERIALS & ZONING COMPLIANCE PLAN

ISSUED FOR: Final Review DATE: 10/19/17 BY: mh

JOB NO. RAG2001-01A

SHEET C1.0

© Wade Trim Group, Inc.

[redacted] [redacted] [redacted]

364

ORDINANCE NO. 4625

ORDINANCE ESTABLISHING CONDITIONAL ZONING FOR PROPERTY LOCATED AT 175 LYMAN STREET

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this proposed amendment is consistent with the City's 2025 Comprehensive Plan, Smart Growth policies, and other official plans of the City and is determined to be to be reasonable and in the public interest for the following reasons:

a) The project redevelops an under-utilized property through infill and preservation of an existing historic structure; and
b) The project substantially complies with the intent of the River Design Review Guidelines; and
c) The buildings meet many of the requirements of the future form-based code; and
d) The development of residential units in the area will support the redevelopment and revitalization of the River Arts District and the RADTIP.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

The zoning classification of that certain real property described in Exhibit A and identified on Buncombe County tax maps as PIN 9638.96-9690, -7387 recorded in Deed Book 0839, Page 0387 and currently owned by Carolina Fuel Company and PIN 9638.96-8488 recorded in Deed Book 5362, Page 1483 and currently owned by Peter Mallett from River (RIV) to Mixed Use Expansion Conditional Zoning District (MXD EXP-CZ). A copy of the official zoning map showing said lots is attached hereto as Exhibit "A" and made a part hereof. Said rezoning is subject to the conditions set out in Exhibit "B.1", and substantially complies with the

site plans shown in Exhibit "C", both attached hereto and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. The ordinances shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 5. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 14th day of November, 2017.

Magdalen Bouleson
City Clerk

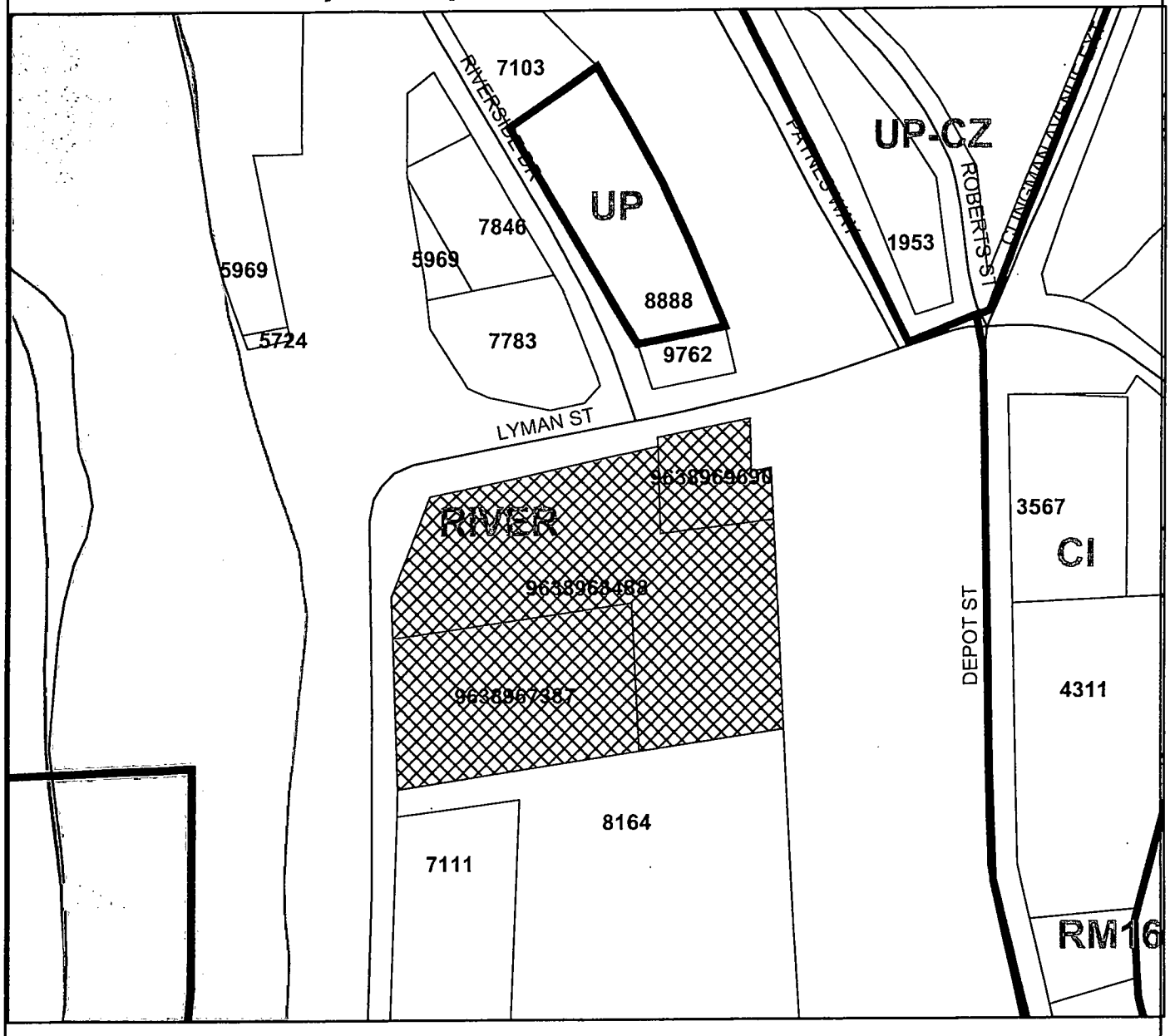
Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bouleson
City Clerk

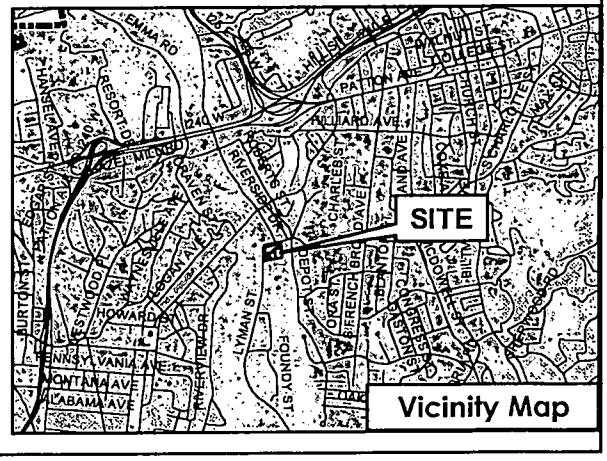
City of Asheville - Exhibit A Map
Conditional Zoning Review
Stoneyard Apartments - 175 Lyman Street



Project Name: Conditional Zoning Review
Project Number: 17-02614PZ
Project Description: Stoneyard Apartments

Petitioner(s): AltInvest Partners, LLC
Parcel ID Number(s): 9638-96-9690, -8488 and -7387
Location/Address: 171, 175 & 179 Lyman Street

Project Site
Parcels
Zoning Districts
Asheville City Limits
Streets
Streams



City of Asheville Planning and Urban Design Department - February 2017

EXHIBIT B-1
CONDITIONS

1. The property will be zoned MXD EXP-CZ (Mixed Use Expansion Conditional Zone) and will permit the development of four residential buildings, a commercial building and a parking structure.

2. Approved uses for the development include residential, studio, retail, restaurant, office and parking. No other uses will be allowed.

3. The project site is 2.88 acres, Current PINs include 9638-96-8488, -7387; -9690.

4. The Project will contain four buildings ranging from 32,000 sf - 45,000 sf, with a total gross square footage of approximately 150,000 sf. Each building will be six stories (5 stories on top of a level of parking) and will not exceed 74 feet in height, inclusive of the parking level. The existing Carolina Coal and Ice Building will also remain on the site and will be renovated for use in accordance with these conditions.

5. The four residential buildings will contain a maximum of 133 residential units, resulting in a density of 46.2 units/acre. Building surfaces fronting on, and adjacent to and visible from public rights-of- way, shall consist of at least 70% brick, stone or masonry veneer, exclusive of roofs, windows, storefronts, doors, cornices and trim. No external building surface shall consist of vinyl, wood fiber, utility grade concrete masonry unit, or synthetic stucco.

6. There will be a minimum of 247 parking spaces with two levels. More than 85 of the parking spaces will be located on the ground level, and 85 of the parking spaces on the ground level will be open to the general public (paid parking allowed) and will contain signage which so indicates this availability.

7. The developer/owner will not be required to construct the sidewalks shown on the site plans on the north and west side of the development.

8. The developer/ owner will pay the City the amount of $50,000 at or before the time the first building permits are issued for the Project, which will be deposited in the City's Affordable Housing Trust Fund for use in accordance with the requirements of that fund.

9. Landscaping shall comply with the site plan which is incorporated herein by reference.

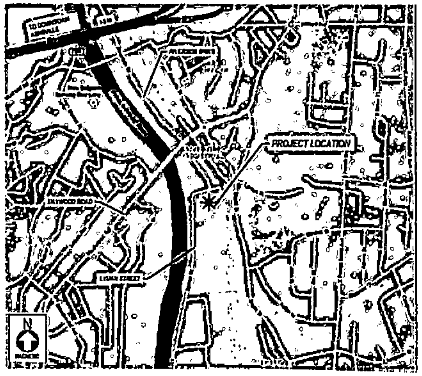
10. Bicycle racks to accommodate a minimum of 24 bicycles will be installed on the grade level for public use, and there will also be 12 rack spaces on the upper deck level for tenants, as indicated on the site plan which is incorporated herein by reference.

11. Pedestrian entrances to the project from the surrounding streets are provided (1) on the west side for Buildings #1 and #4, and (2) a large monumental entrance will be created on the north side of the

Project between the Carolina Coal & Ice Building and Building #1 of the Project as demonstrated on the approved elevations which are incorporated by reference herein.

12. The building design, site design, construction materials, and orientation on site must substantially comply with the site plan attached hereto as Exhibit C and incorporated herein by reference. Any major deviations from these plans will require a rezoning by the City Council.

13. All legally required local, state, and federal permits and approvals must be obtained prior to initiation of construction and any pertinent legal requirements shall be met.



LOCATION MAP
N.T.S.

CONSTRUCTION PLANS
FOR THE

STONEYARD APARTMENTS

175 LYMAN STREET, ASHEVILLE, NC
CITY OF ASHEVILLE
BUNCOMBE COUNTY, NORTH CAROLINA
MAY 23, 2017

Prepared For:
AltInvest Partners, LLC
P.O. Box 41
Saluda, NC 28773
Contact: David LaFave
T: 828-275-7083

SHEET INDEX

SHEET NO.	DESCRIPTION
C-0	COVER SHEET
C-1	EXISTING CONDITIONS & DEMOLITION PLAN
C-2	DECK LEVEL SITE PLAN
C-3	GROUND LEVEL SITE PLAN
C-4	DECK LEVEL GRADING PLAN
C-5	GROUND LEVEL GRADING PLAN
C-6	PHASE 1 EROSION CONTROL PLAN
C-7	PHASE 2 EROSION CONTROL PLAN
C-8	UTILITY PLAN
C-9	CONSTRUCTION STAGING PLAN
C-10	DETAILS
C-11	DETAILS
C-12	WATERLINE DETAILS
C-13	SEWERLINE DETAILS
L101	SITE - LANDSCAPE
CVR	ARCHITECTURAL COVER SHEET
G101	RENDERINGS
A001	SITE PLAN - GROUND LEVEL
A002	SITE PLAN - PARKING LEVEL
A201	SITE ELEVATIONS - EXTERIOR
A202	SITE ELEVATIONS - INTERIOR

REVISIONS

REVISION AND ISSUE NO.	SHEET NO.	DESCRIPTION	DATE
A - ISSUE 1	ALL	SUBMITTAL TO ASHEVILLE TRC	3/22/2017
A- ISSUE 2	ALL	REVISED PROPERTY ACREAGE, TOTAL NUMBER OF UNITS, AND ZONING NAME	4/20/2017
A- ISSUE 3	ALL	ADDRESS CITY OF ASHEVILLE TRC COMMENTS	5/23/2017

EARTHWORK SPECIFICATIONS:

1. Clearing and Grubbing

[illegible]

CONSTRUCTION NOTES:

[illegible]

SOIL EROSION AND SEDIMENT CONTROL NOTES:

[illegible]

IF YOU DIG
NORTH CAROLINA
CALL US FIRST!
811
N.C. ONE CALL CENTER
IT'S THE LAW!

PROJECT NOTES:

OWNER:
[illegible]

DEVELOPER:
AltInvest Partners, LLC
P.O. Box 41
Saluda, NC 28773
Contact: David LaFave
T: 828-275-7083

ENGINEER:
High Country Engineering, PC (C-3347)
41 Clayton Street, Suite 300
Asheville, North Carolina 28801
T: 828-230-4511
Contact: Michael R. Goforth, PE
Email: [illegible]

ARCHITECT:
[illegible]

1. Property located in the City of Asheville in Buncombe County, North Carolina. Property address is 175 Lyman Street, Asheville, NC.
2. PIN NUMBERS: [illegible]
3. Current Zoning: [illegible] by the City of Asheville. Requesting zoning change to [illegible] District.
4. Deed Book: [illegible]
5. Proposed use is for apartment complex and commercial use.
6. Project Coordinates: [illegible]
7. The receiving water course for this project is the French Broad River. [illegible]
8. Total tract contains [illegible]
9. Boundary information obtained from survey [illegible]
10. Topographic information obtained from [illegible]
11. Contour interval is 1 foot.
12. This property is shown on F.I.R.M. panel number [illegible]
13. The location of underground utilities shown is approximate based on surface field evidence and information supplied by utility agencies. [illegible]
14. The contractor shall verify the invert elevations of all existing storm and sanitary sewer structures prior to commencement of storm and sanitary sewer construction.
15. Contractor shall notify the engineer and owner/developer of any information found in the field that is different from what is shown on these design plans.

A-2

A-2

HIGH COUNTRY ENGINEERING, P.C.
41 CLAYTON STREET, SUITE 300
ASHEVILLE, NORTH CAROLINA 28801
T: 828.230.4511
F: 828.348.5040
FIRM NO.: C-3347

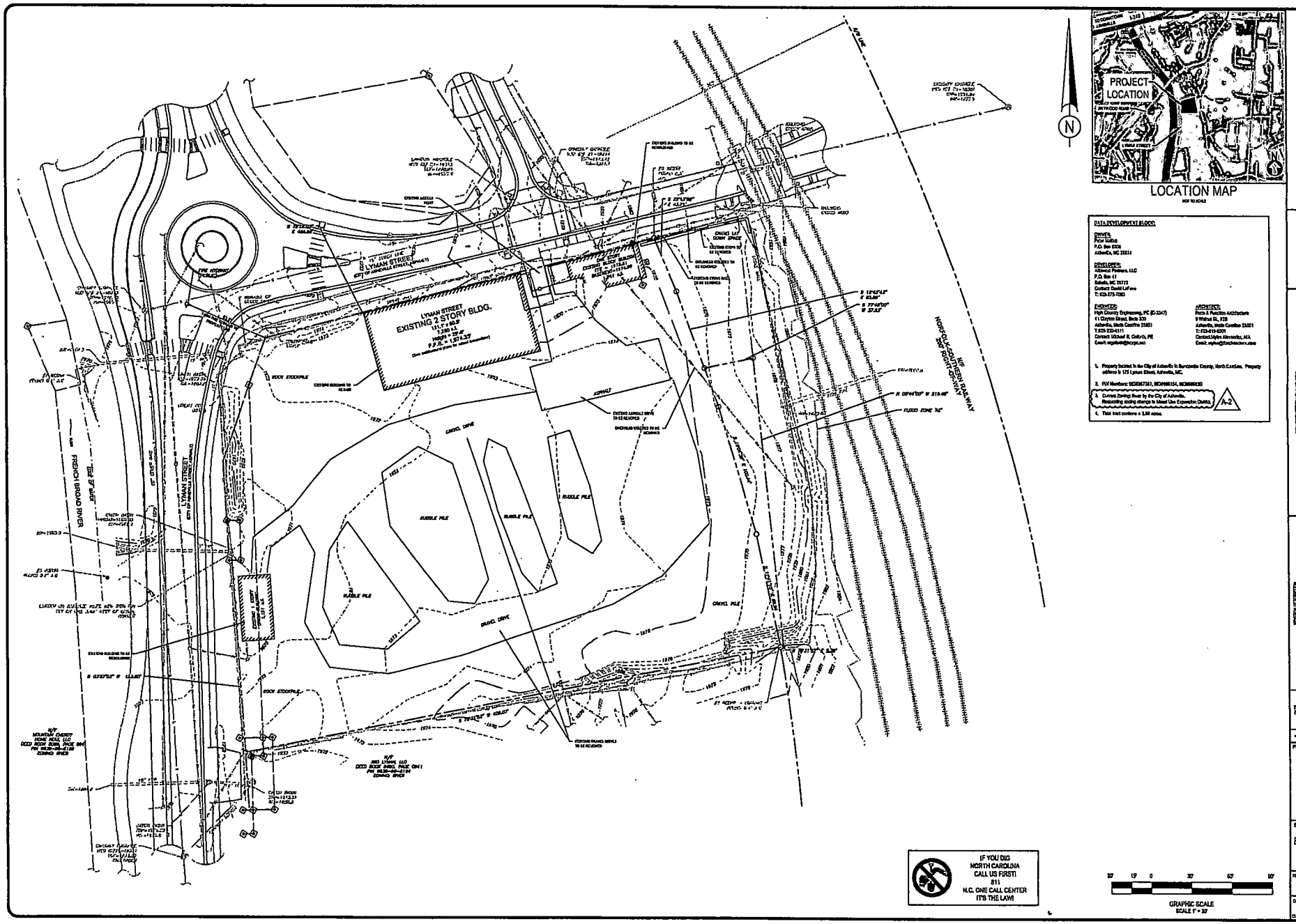
PRELIMINARY NOT FOR CONSTRUCTION

CONSTRUCTION PLANS
FOR THE
STONEYARD APARTMENTS
175 LYMAN STREET, ASHEVILLE, NC
CITY OF ASHEVILLE
BUNCOMBE COUNTY, NORTH CAROLINA
May 23, 2017

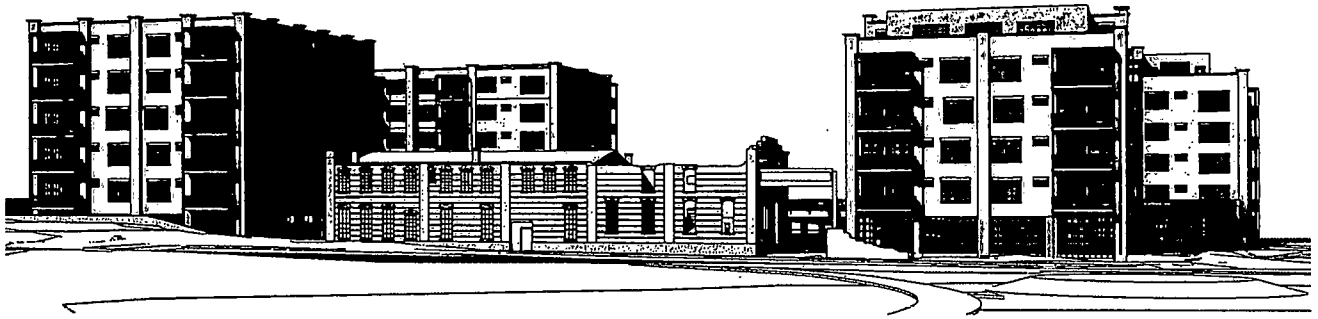
REVISION A - ISSUE No. 3 : MAY 23, 2017

Exhibit "C"

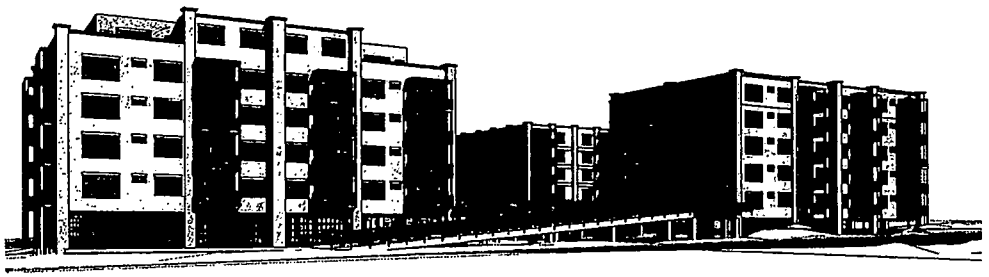
369


LYMAN STREET
EXISTING 2 STORY BLDG.
LYMAN STREET
FRENCH BROAD RIVER
NORFOLK-SOUTHERN RAILWAY
GRAVEL DRIVE
RUBBLE PILE
ASPHALT
ROCK STOCKPILE
PROJECT LOCATION
LOCATION MAP
NOT TO SCALE
N
DATA DEVELOPMENT BLOCK:
OWNER:
DEVELOPER:
ENGINEER:
ARCHITECT:
IF YOU DIG
NORTH CAROLINA
CALL US FIRST!
811
N.C. ONE CALL CENTER
IT'S THE LAW!
GRAPHIC SCALE
SCALE 1" = 30'
HIGH COUNTRY ENGINEERING, P.C.
41 CLAYTON STREET, SUITE 300
ASHEVILLE, NORTH CAROLINA 28801
T: 828.230.4511
F: 828.348.5040
NC FIRM NO.: C-3347
NORTH CAROLINA
PRELIMINARY
NOT FOR
CONSTRUCTION
CONSTRUCTION PLANS FOR:
Stoneyard Apartments
for
Altinvest Partners, LLC
City of Asheville
Buncombe County, North Carolina
REVISION DESCRIPTION
PROJECT NAME:
Stoneyard Apartments
City of Asheville
Buncombe County, NC
SHEET TITLE:
EXISTING CONDITIONS
& DEMOLITION PLAN
PROJECT NO.
FFA004
SHEET NO.
C-1
of 20
DATE
5/23/2017

1 FROM ROUND ABOUT
G101



2 SITE OVERVIEW
G101



3 HEADED NORTH
G101

DRAWINGS ISSUED FOR:	
03/23/17	IFC Review
05/23/17	PAZ Review

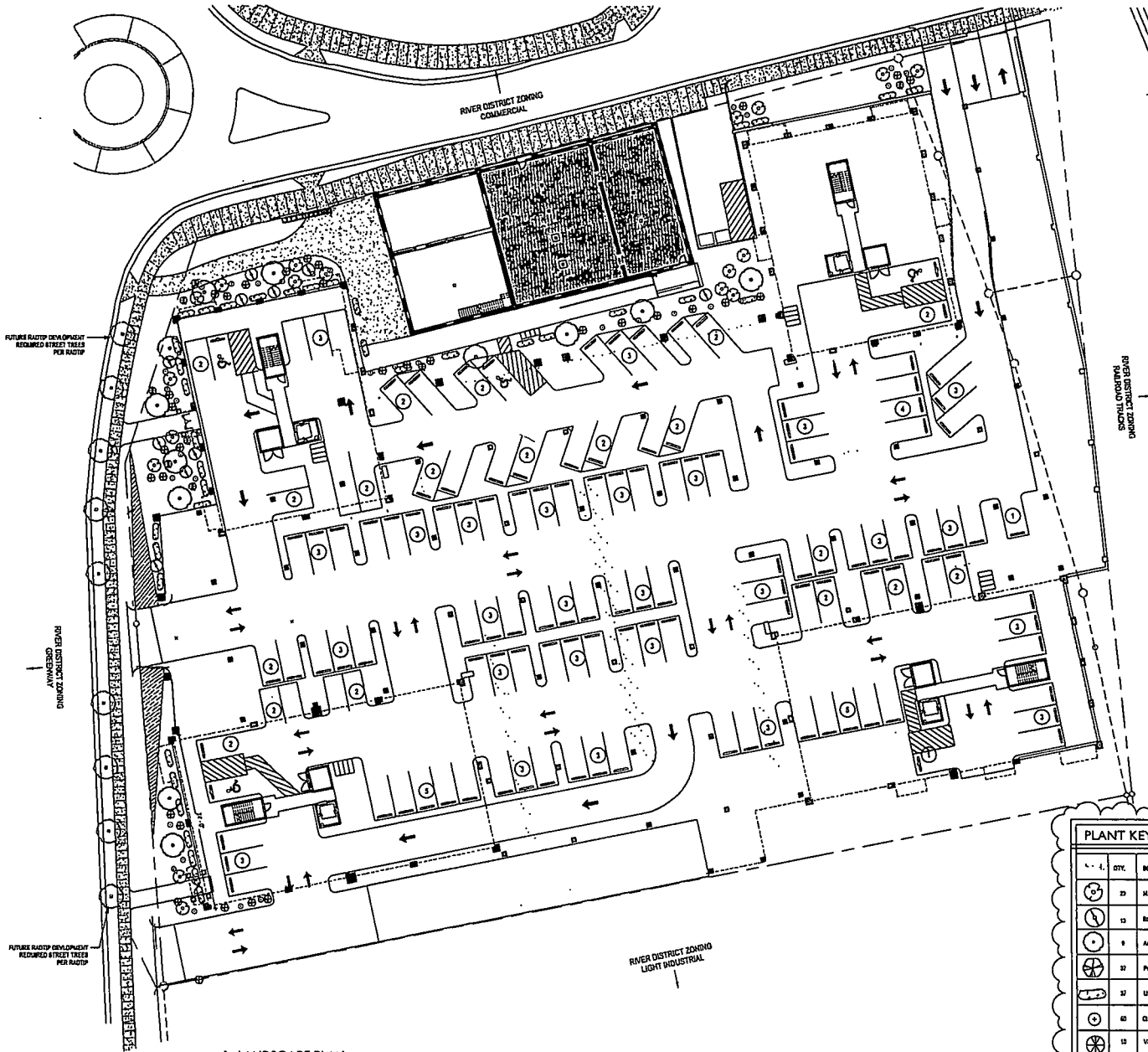
FORM & FUNCTION
ARCHITECTURE
54 1/2 Broadway Street, Downtown Asheville NC 28801
828-419-0301 | info@formandfunctionarchitecture.com

STONEYARD APARTMENTS
River Arts District, Asheville NC

RENDERINGS

Issue Date:04.21.2017

G101



1 LANDSCAPE PLAN
L101 | 1" = 20'-0"

DATA DEVELOPMENT BLOCK:

OWNER:
Peter Mabb
P.O. Box 8500
Asheville, NC 28814

DEVELOPER:
Alliance Partners, LLC
P.O. Box 11
Biltmore, NC 28773
T: 828-275-7033

ARCHITECT:
Form & Function Architecture (52867)
8 W. Walnut St. Suite 39
Asheville NC 28801
T:828-419-0301
Contact: Myles B. Alexander AIA
Email: myles@FandFarchitecture.com

ENGINEER:
High Country Engineering, PC (C-3347)
41 Clayton Street, Suite 300 Asheville,
North Carolina 28801
T:828-254-6382
Contact: Michael R. Gabrik, PE
Email: mgabrik@hcepc.net

1. PIN Numbers: 9638857137, 9638868534, 9638868630

2. Total tract contains over 2.83 acres

3. Zoning Deskt: River by the City Asheville,
Requesting zoning change to Mixed Use Expansion District

4. Required Building Setbacks:
Front: 15'
Side: None
Rear: None

5. Residential Units: 133 Units, 46.1 units per acre

6. Building Information: Building #1
Number of stories: 5
Height: 70'-0"
Foot print area: 6,624 s.f.
Gross floor area: 32,020 s.f.
Number of Units: 27

Building #2
Number of stories: 5
Height: 70'-0"
Foot print area: 6,624 s.f.
Gross floor area: 33,120 s.f.
Number of Units: 30

Building #3
Number of stories: 5
Height: 70'-0"
Foot print area: 8,928 s.f.
Gross floor area: 44,640 s.f.
Number of Units: 36

Building #4
Number of stories: 5
Height: 70'-0"
Foot print area: 8,928 s.f.
Gross floor area: 38,880 s.f.
Number of Units: 40

Existing Building
Number of stories: 2
Height: 26'-0"
Foot print area: 7,280 s.f.
Gross floor area: 8280 s.f.

LANDSCAPING CALCULATIONS:

-BUILDING IMPACT LANDSCAPING
NEW BUILDINGS:

BUILDING 1 =	6624 SF
BUILDING 2 =	6624 SF
BUILDING 3 =	8928 SF
BUILDING 4 =	8928 SF
TOTAL=	31104 SF

1 Tree and 2 shrubs / 1,000sd
31,104/1,000 = 31.1 (32)
TOTAL REQ: 32 trees/64 shrubs

-STREET BUFFER LANDSCAPING
Parking: 6549 sf
157'-0" 0 / 5 = 33.4 (34) shrubs
Total Required: 34 shrubs

-PARKING DECK LANDSCAPING
# of parking spots =247
Parking Deck (LF) = 372'-10"
Required 372.83/30 =12.43
Total required: 13 Trees and 26 shrubs

-STREET TREES (NO-Overhead utilities)
STREET TREES PROVIDED BY RADTIP DEVELOPMENT*
1 Large Tree / 40(of Street Frontage MIN / 65' o.c. MAX
Street Frontage = Lyman (River) 295'-6"/40'
Total Required: 0,

-BUFFERYARD:
N/A

EXISTING LANDSCAPING TREE CREDITS
0
TOTAL EXISTING TREE CREDIT: 0

PLANT KEY

	QTY.	BOTTICAL NAME	COMMON NAME	NOTES	
	23	Magnolia Virginiana	Sweetbay Magnolia	1 1/2" MIN. 8-12' MIN	SM. DECIDUOUS
	13	Ilex Opaca	American Holly	2' MIN. 13'-14' HT	LG. EVERGREEN
	9	Acer Rubrum	Red Maple	2' MIN. 17'-14' HT	LG. DECIDUOUS
	37	Prunus laurocerasus 'Otto Luyken'	OTTO LUYKEN CHERRY LAUREL	3 GAL. MIN. CONTAINER, 18" HT.	SM. SHRUB - EVERGREEN
	37	Ilex glabra	Inkberry Holly	5 GAL. MIN. CONTAINER, 24" HT.	LG. SHRUB - EVERGREEN
	60	Clethra Hummingbird	Sweet Pepperbrush	3 GAL. MIN. CONTAINER, 18" HT.	SM. SHRUB
	13	Viburnum Cassinoides	Withered Viburnum	5 GAL. MIN. CONTAINER, 24" HT.	LG. SHRUB

SUMMARY: TREES REQUIRED:45
TREES PROVIDED:45
SHRUBS REQUIRED:134
SHRUBS PROVIDED:134

WILES & ALEXANDER ARCHITECTS
ASHEVILLE NC
10220

FORM & FUNCTION ARCHITECTURE
CERT. NO. 52867
ASHEVILLE NC

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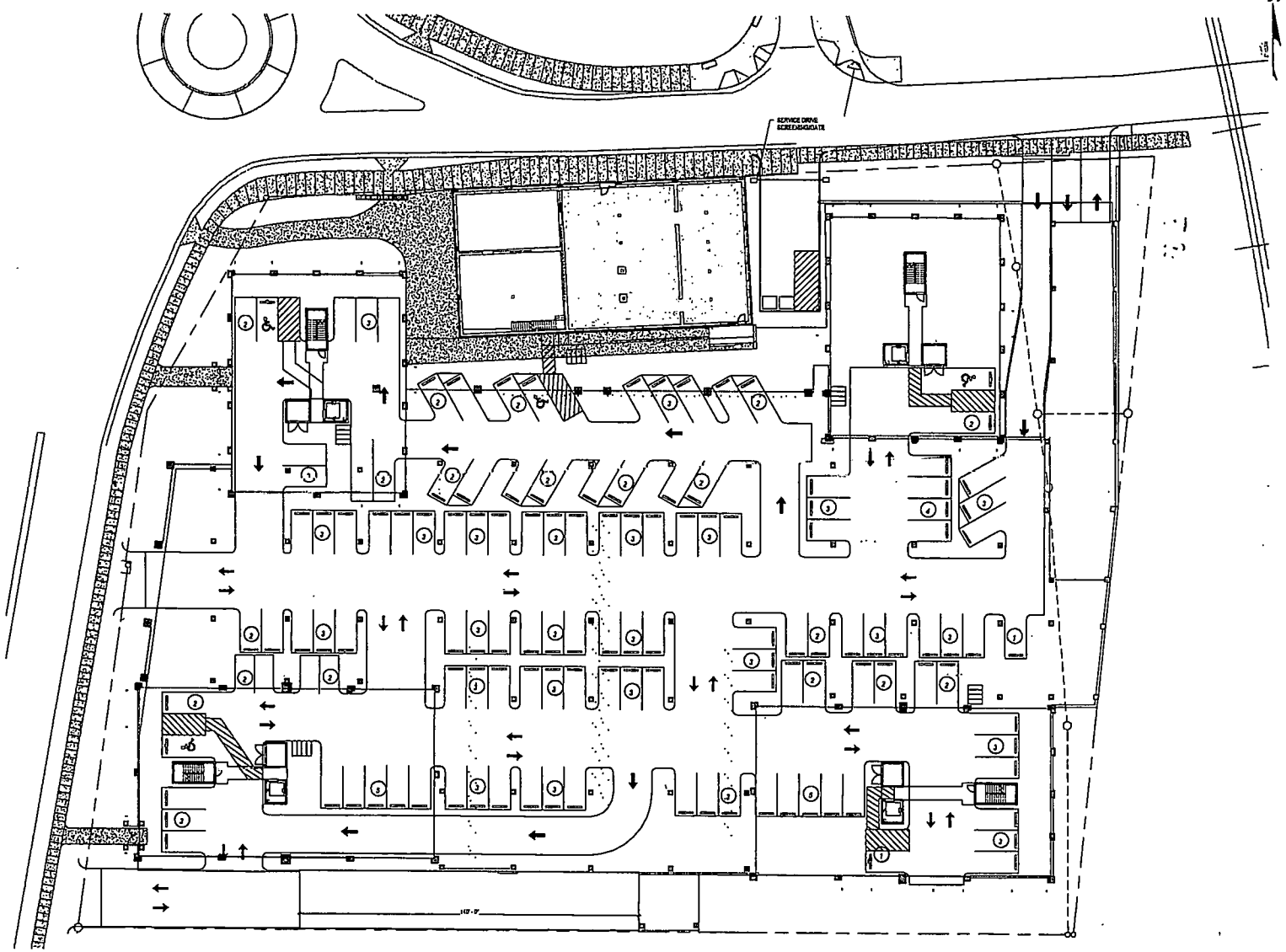
FORM & FUNCTION
ARCHITECTURE
54 1/2 Broadway Street, Downtown Asheville NC 28801
828.419.0301 | www.FandFarchitecture.com

STONEYARD APARTMENTS
River Arts District, Asheville NC

SITE-LANDSCAPE

Issue Date: 04.21.2017

L101



1 GROUND LEVEL
A001 | 1" = 20'-0"

Graphic Scale: 1 inch = 20 feet
0 20' 40' 60' 80'

DATA DEVELOPMENT BLOCK:

OWNER:
Peter Mallett
P.O. Box 5508
Asheville, NC 28814

DEVELOPER:
A2 Mixed Partners, LLC
P.O. Box 41
Weaverville, NC 28787
T: 828-273-7233

ARCHITECT:
Form & Function Architecture (52537)
8 W. Walnut St. Suite 3B
Asheville NC 28801
T:828-618-0301
Contact: Myles B. Alexander AIA
Email: mylas@fnfarchitecture.com

ENGINEER:
High Country Engineering, PC (C-3347)
41 Clayton Street, Suite 300 Asheville,
North Carolina 28801
T:828-251-8383
Contact: Michael B. Galyon, PE
Email: mgalyon@hcepc.net

1. PIN Numbers: 9638487387, 9638486594, 9638482280

2. Total tract contains over 2.69 acres

3. Zoning Status: Rezoned by the City Asheville, Requesting zoning change to Mixed Use Expansion District

4. Required Building Setbacks:
Front: 15'
Side: None
Rear: None

5. Residential Units: 133 Units, 49.1 units per acre

6. Building Information: Building #1
Number of stories: 5
Height: 72'-0"
Foot print area: 8,624 s.f.
Gross floor area: 32,600 s.f.
Number of Units: 37

Building #2
Number of stories: 5
Height: 72'-0"
Foot print area: 8,624 s.f.
Gross floor area: 31,170 s.f.
Number of Units: 30

Building #3
Number of stories: 5
Height: 72'-0"
Foot print area: 8,923 s.f.
Gross floor area: 44,615 s.f.
Number of Units: 38

Building #4
Number of stories: 5
Height: 72'-0"
Foot print area: 8,923 s.f.
Gross floor area: 33,800 s.f.
Number of Units: 40

Existing Building
Number of stories: 2
Height: 25'-0"
Foot print area: 7,200 s.f.
Gross floor area: 6588 s.f.

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ARCHITECTURE
54 1/2 Broadway Street, Downtown Asheville NC 28801
828-618-0301 | MBA@FnFarchitecture.com

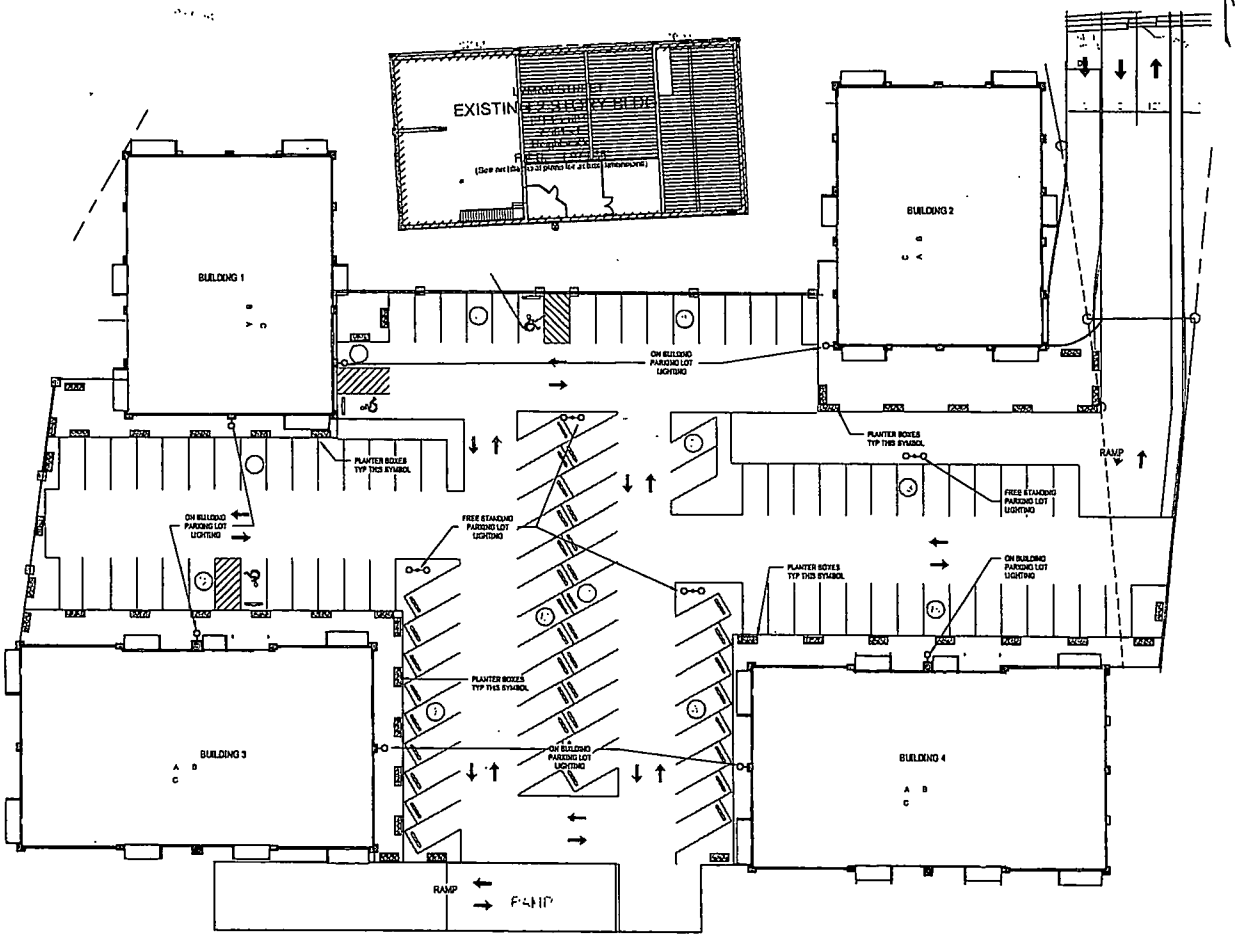
STONEYARD APARTMENTS
River Arts District, Asheville, NC

SITE PLAN-GROUND LEVEL

Issue Date: 04.21.2017

A001

373



1 PARKING DECK LAYOUT
A002 | 1" = 20'-0"

Graphic Scale: 1 inch = 20 feet
0 20' 40' 60' 80'

DATA DEVELOPMENT BLOCK:

OWNER:
Peter Mitchell
P.O. Box 8208
Asheville, NC 28814

DEVELOPER:
Attawest Partners, LLC
P.O. Box 41
Batavia, NC 28773
T: 828-575-7083

ARCHITECT:
Form & Function Architecture (52587)
8 W. Walnut St. Suite 2B
Asheville NC 28801
T:828-619-0301
Contact: Myles S. Alexander AIA
Email: myles@forminfunctiona.com

ENGINEER:
High Country Engineering, PC (C-3347)
41 Clayton Street, Suite 300 Asheville,
North Carolina 28801
T:828-321-8380
Contact: Michael R. Goloch, PE
Email: mgoloch@hcepc.net

1. PIN Numbers: 9638087387, 9638088554, 9638085560

2. Total tract contains over 2.88 acres

3. Zoning District: River by the City Asheville, Requesting zoning change to Mixed Use Expansion District

4. Required Building Setbacks:
Front: 15'
Side: None
Rear: None

5. Residential Units: 123 Units, 46.1 units per acre

6. Building Information: Building #1
Number of stories: 6
Height: 70'-0"
Foot print area: 8,824 s.f.
Gross floor area: 32,500 s.f.
Number of Units: 27

Building #2
Number of stories: 6
Height: 70'-0"
Foot print area: 8,824 s.f.
Gross floor area: 33,120 s.f.
Number of Units: 30

Building #3
Number of stories: 6
Height: 70'-0"
Foot print area: 8,028 s.f.
Gross floor area: 44,840 s.f.
Number of Units: 36

Building #4
Number of stories: 6
Height: 70'-0"
Foot print area: 8,028 s.f.
Gross floor area: 38,800 s.f.
Number of Units: 40

Existing Building
Number of stories: 2
Height: 27'-6"
Foot print area: 7,230 s.f.
Gross floor area: 8,528 s.f.

MYLES S. ALEXANDER
10220
ASHEVILLE NC

FORM & FUNCTION ARCHITECTURE
CERT. NO. 52587
ASHEVILLE NC

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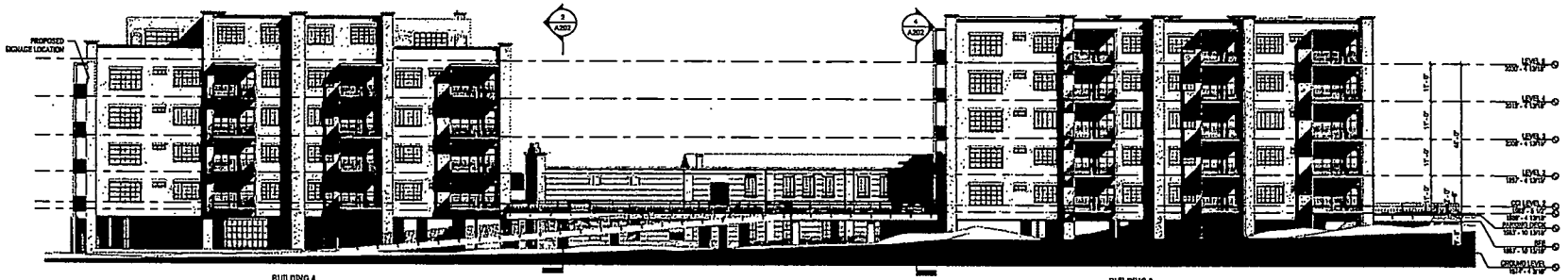
828-414-0301 | info@forminfunctiona.com

STONEYARD APARTMENTS
River Arts District, Asheville NC

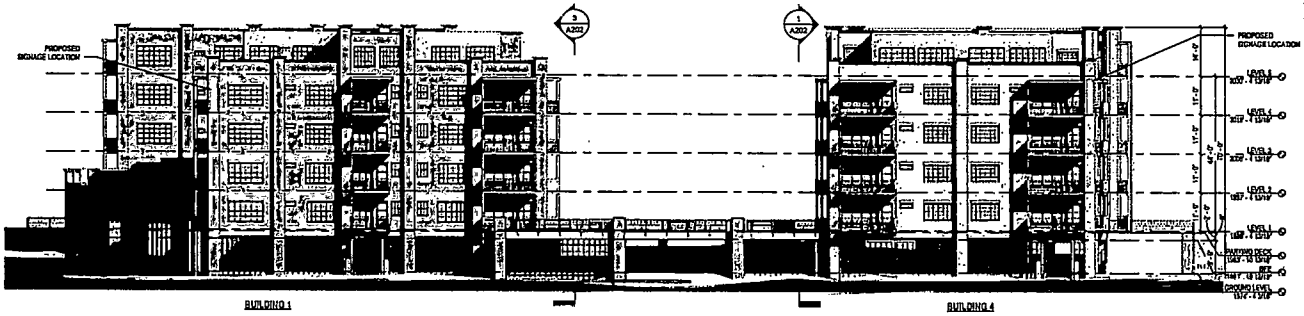
SITE PLAN - PARKING LEVEL

Issue Date: 04.21.2017

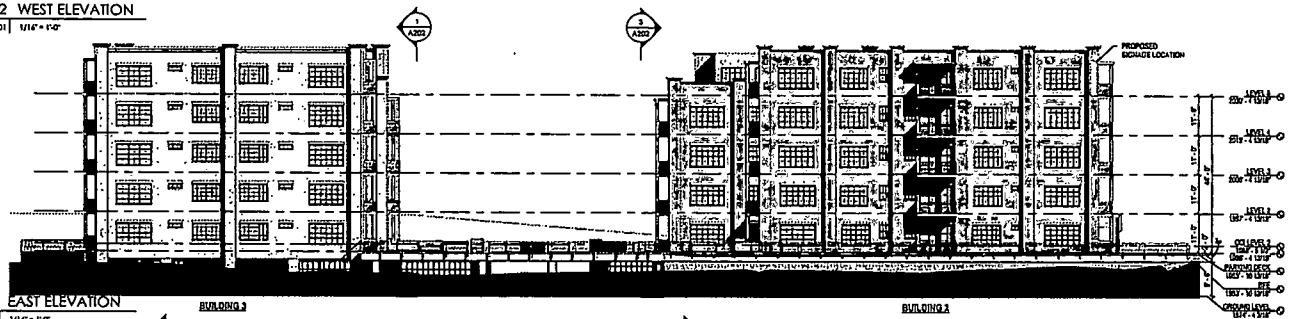
A002



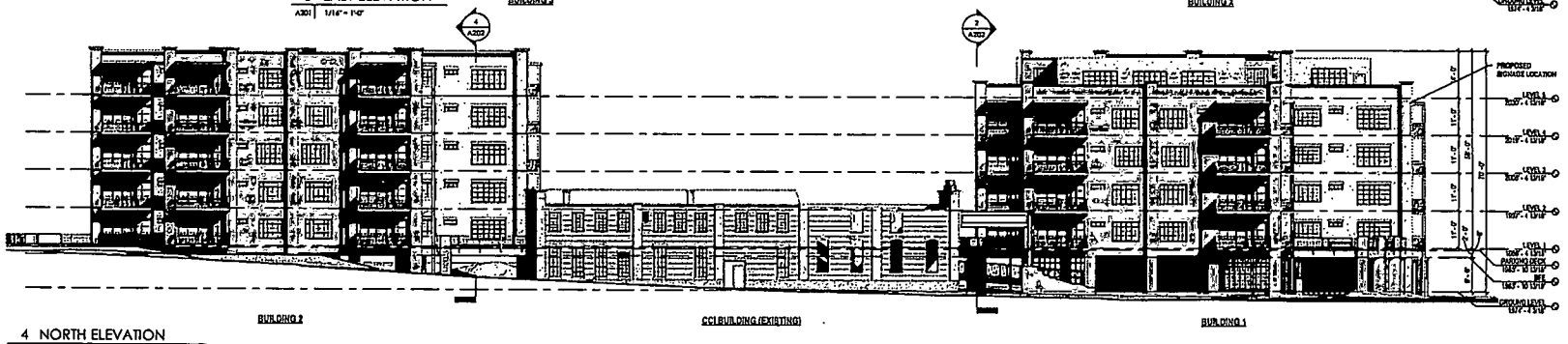
1 SOUTH ELEVATION
A201 | 1/16" = 1'-0"



2 WEST ELEVATION
A201 | 1/16" = 1'-0"



3 EAST ELEVATION
A201 | 1/16" = 1'-0"



4 NORTH ELEVATION
A201 | 1/16" = 1'-0"

DATA DEVELOPMENT BLOCK:

OWNER:
Peter Mallett
P.O. Box 8323
Asheville, NC 28814

DEVELOPER:
Altamont Partners, LLC
P.O. Box 41
Balsam, NC 28773
T: 828-275-7003

ARCHITECT:
Form & Function Architecture (C2687)
8 W. Walnut St. Suite 3B
Asheville NC 28801
T: 828-619-0331
Contact: Myles B. Alexander AIA
Email: myles@formfunctiarch.com

ENGINEER:
High Country Engineering, PC (C-2347)
41 Clayton Street, Suite 300
Asheville,
North Carolina 28801
T: 828-231-6280
Contact: Michael R. Dobbins, PE
Email: mydobbins@hcepc.net

1. PIN Numbers: 9638857367, 9638868354, 9638868970

2. Zoning District: River by the City Asheville,
Requesting zoning change to Mixed Use Expansion District

3. Building Information: Building #1
Number of stories: 5
Height: 73'-0"
Foot print area: 6,824 s.f.
Gross floor area: 32,820 s.f.

Building #2
Number of stories: 5
Height: 73'-0"
Foot print area: 6,824 s.f.
Gross floor area: 32,120 s.f.

Building #3
Number of stories: 5
Height: 73'-0"
Foot print area: 8,929 s.f.
Gross floor area: 44,645 s.f.

Building #4
Number of stories: 5
Height: 73'-0"
Foot print area: 9,323 s.f.
Gross floor area: 32,822 s.f.

Existing Building
Number of stories: 2
Height: 29'-0"
Foot print area: 7,230 s.f.
Gross floor area: 8583 s.f.

WALL OPENING PERCENTAGE

BUILDING	% OPENING WEST LYNAM	% OPENING NORTH LYNAM
BUILDING 1[A]	32%[B] / 21%[C]	32%[B] / 27%[D]
BUILDING 2[A]	NA	32%[B] / 32%[D]
BUILDING 3[A]	NA	NA
BUILDING 4[A]	37%[B] / 37%[D]	NA
CCI BUILDING[A]	NA	18%[C]/0%[D]/22%[C]NA

NOTES:
A. GROUND LEVEL OF WHOLE SITE IS OPEN-OPACITY 100%
B. FUTURE DEVELOPMENT
C. FLOORS 3-4
D. 5TH FLOOR

MYLES B. ALEXANDER
10220
ASHEVILLE, NC
REGISTERED ARCHITECT

BOLLINGER ARCHITECTURE
CERT. NO. 8282
ASHEVILLE, NC

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828-619-0331 | www.formfunctiarch.com

STONEYARD APARTMENTS
River Arts District, Asheville NC

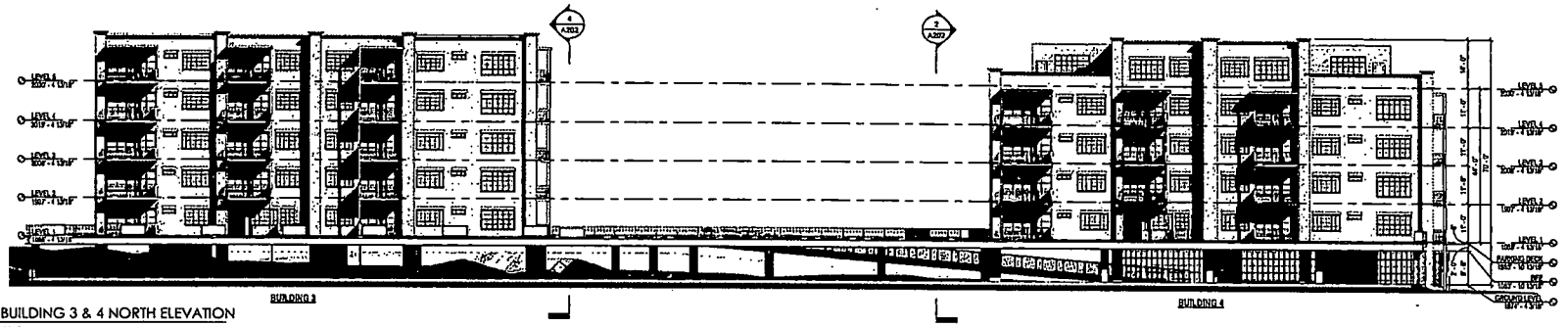
SITE ELEVATIONS - EXTERIOR

Issue Date: 04.21.2017

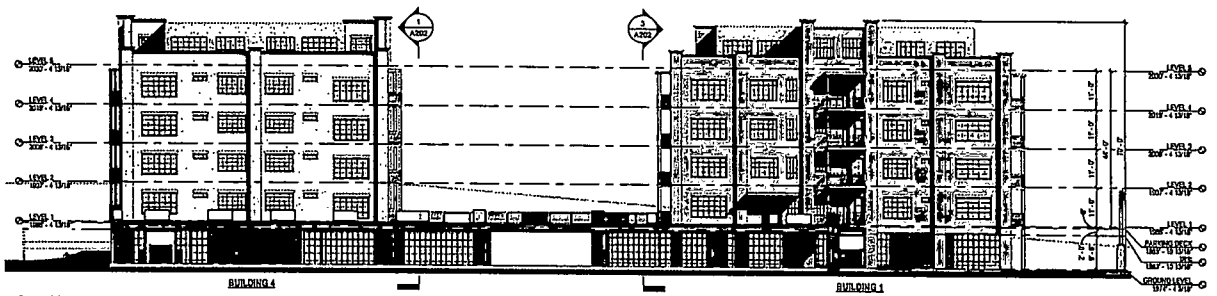
A201

375

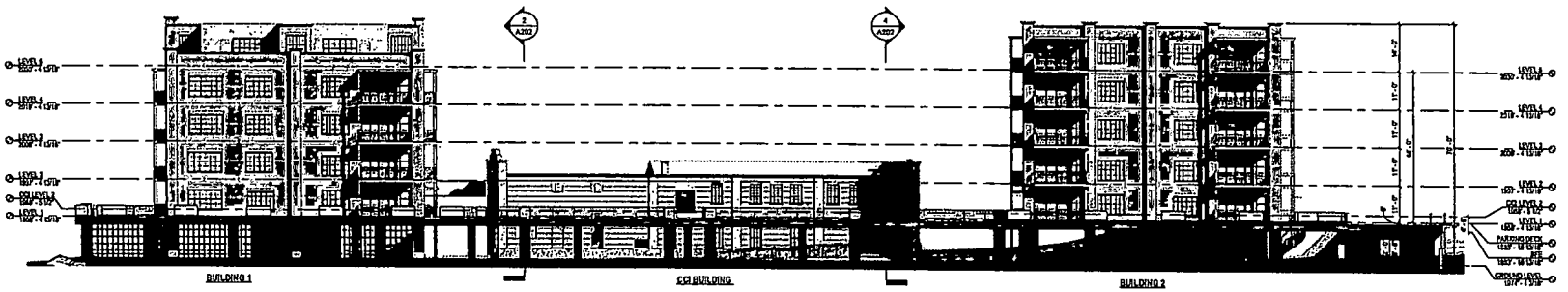
376



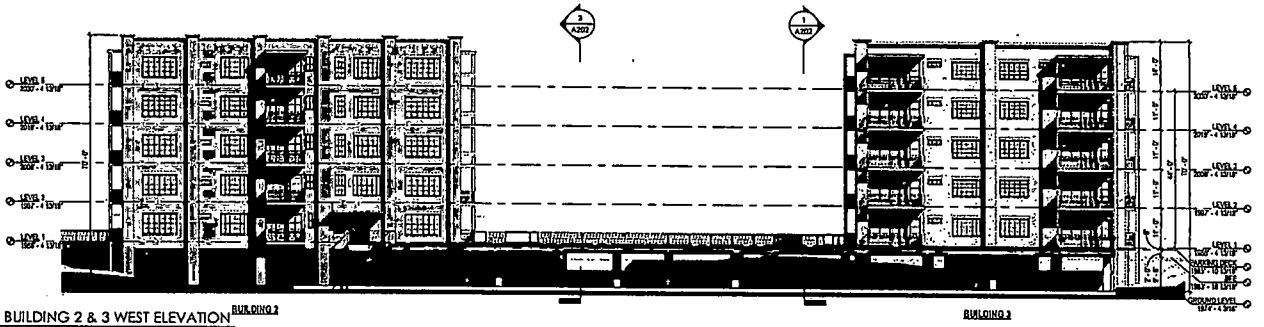
1 BUILDING 3 & 4 NORTH ELEVATION
A202 | 1/16" = 1'-0"



2 BUILDING 1 & 4 EAST ELEVATION
A202 | 1/16" = 1'-0"



3 BUILDING 1 & 2 SOUTH ELEVATION
A202 | 1/16" = 1'-0"



4 BUILDING 2 & 3 WEST ELEVATION
A202 | 1/16" = 1'-0"

DATA DEVELOPMENT BLOCK:

OWNER:
Peter Mabrit
P.O. Box 8809
Asheville, NC 28814

DEVELOPER:
Attowood Partners, LLC
P.O. Box 41
Saluda, NC 28773
T: 828-279-7083

ARCHITECT:
Form & Function Architecture (57687)
9 W. Walnut St. Suite 3B
Asheville NC 28801
T:828-619-0001
Contact: Myles B. Alexander AIA
Email: myles@ffarchitecture.com

ENGINEER:
High Country Engineering, PC (C-3347)
41 Clayton Street, Suite 200
Asheville,
North Carolina 28801
T:828-251-8330
Contact: Michael R. Gollwitz, PE
Email: mgollwitz@hcepc.net

1. PIN Numbers: 9638257337, 9638962534, 9638269630

2. Zoning District: River by the City Asheville,
Requesting zoning change to Mixed Use Expansion District

4. Building Information: Building #1
Number of stories: 5
Height: 70'-0"
Foot print area: 6,824 s.f.
Gross floor area: 32,800 s.f.

Building #2
Number of stories: 5
Height: 70'-0"
Foot print area: 6,824 s.f.
Gross floor area: 33,120 s.f.

Building #3
Number of stories: 5
Height: 70'-0"
Foot print area: 6,923 s.f.
Gross floor area: 44,843 s.f.

Building #4
Number of stories: 5
Height: 70'-0"
Foot print area: 6,923 s.f.
Gross floor area: 33,800 s.f.

Existing Building
Number of stories: 2
Height: 29'-4"
Foot print area: 7,280 s.f.
Gross floor area: 6583 s.f.

WALL OPENING PERCENTAGE		
BUILDING	% OPENING WEST LYMAN	% OPENING NORTH LYMAN
BUILDING 1[A]	32%[C] / 33%[D]	32%[C] / 29%[D]
BUILDING 2[A]	NA	32%[C] / 32%[D]
BUILDING 3[A]	NA	NA
BUILDING 4[A]	32%[C] / 31%[D]	NA
CCI BUILDING[B]	NA	18% [E1] / 22% [E2]

NOTES:
A. GROUND LEVEL OF WHOLE SITE IS OPEN-OPACITY 100%
B. FUTURE DEVELOPMENT
C. FLOORS 1-4
D. 6TH FLOOR

MYLES B. ALEXANDER
10220
ASHEVILLE NC
FORM & FUNCTION ARCHITECTURE
CERT. NO. 52587
ASHEVILLE NC
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828-619-0001 | info@formfunctionarchitecture.com

STONEYARD APARTMENTS
River Arts District, Asheville NC

SITE ELEVATIONS - INTERIOR

Issue Date: 04.21.2017

A202

FORM & FUNCTION
ARCHITECTURE

PROPOSED SITE DEVELOPMENT PLAN

GINKGO residential

AltInvest
New initiatives. Forward thinking.

378

ORDINANCE NO. 4626

ORDINANCE AMENDING CHAPTER 7 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE TO ADOPT THE RIVER ARTS DISTRICT FORM-BASED CODE AND ZONING MAP

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety, and welfare; and

WHEREAS, this Ordinance is determined to be reasonable, in the public interest, and is consistent with the Comprehensive Plan in the following ways:

(1) The code will encourage infill development and facilitate vibrant mixed-use neighborhoods;

(2) The rezoning will complement the future RADTIP road realignment and infrastructure improvements; and,

(3) The proposal was developed with a robust input process that included input from property owners, businesses and stakeholders.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1: Chapter 7 of the Code of Ordinances of the City of Asheville is hereby amended as follows:

a. Sec. 7-2-1. Official zoning maps; identification - Amend the official zoning map to reflect the River Arts District Form-Based Code District map designations and the rezonings along the border of the district.

b. Sec. 7-2-5. Definitions – Amend an existing definition as follows:

> *Recreational uses, governmental means* facilities owned, operated, or contracted by governmental agencies for public recreational use and may include items or services related to recreation including but not limited to equipment rental or food and beverage concessions.

c. Sec, 7-8-1 (b)(1) After listing for Haywood Road Form District, add "River Arts Form District"

d. Sec. 7-8 Create a new section "7-8-29 River Arts Form District" and add text from the River Arts District Form-Based Code amendment in total.

Section 2: If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 3: All ordinances or parts of ordinances in conflict are hereby repealed to the extent of such conflict.

Section 4: This ordinance will become effective upon adoption.

Read, approved, and adopted this the 14th day of November, 2017.

Magdalen Bouilson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bouilson
City Clerk

380

ORDINANCE NO. 4627

ORDINANCE AMENDING ZONING FOR PROPERTIES LOCATED IN THE RIVER ARTS DISTRICT FORM CODE

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this proposed amendment is consistent with the City's 2025 Comprehensive Plan, Smart Growth policies, and other official plans of the City, and is determined to be reasonable and in the public interest in the following ways:

(1) The code will encourage infill development and facilitate vibrant mixed-use neighborhoods;
(2) The rezoning will complement the future RADTIP road realignment and infrastructure improvements;
(3) The code was developed to align with the RADTIP; and
(4) The proposal was developed with a robust input process that included input from property woenrs, businesses and stakeholders.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

The zoning classification of certain real properties described in Exhibit A and identified on Buncombe County tax maps as follows:

The following PINs be changed from Commercial Industrial (CI) district to RAD Lyman Hollow (RAD LYH) district.

964806946200000 964806969700000 964816356500000

The following PINs be changed from Commercial Industrial (CI) district to RAD Neighborhood Transition (RAD NT) district.

963877791600000	963877794100000	963878646100000	963897784600000
963897871100000	963898217200000	963898225000000	963898233400000
963898245700000	963898303300000	963898326900000	963898328400000
963898334400000	963898343000000	963898410800000	963898412100000

963898700800000 964807036500000 964807059000000 964807122800000
964807135300000 964807358400000 964807457000000 964807466100000
964807679100000 964807689300000 964807884600000 964808402500000
963877680000000 (portion of) 963877873300000 (portion of) 963878531500000 (portion of)
963878602000000 (portion of) 963878610600000 (portion of) 963897495300000 (portion of)
964808912200000 (portion of)

The following PINs be changed from Commercial Industrial (CI) district to RAD Shopfront (RAD SHP) district.
964804397800000 964804684400000 964804768900000 964805322000000
964805322900000 964805331600000 964805341200000 964805341500000
964805341900000 964805350500000 964805350900000 964805351200000
964805360200000 964805360700000 964805483400000 964805550800000
964806317000000 964806356700000 964806431100000 964806496600000
964806553400000 964806575700000 964807516900000 964807633100000
964807647300000 9648055508C0110 9648055508C0120

The following PINs be changed from Commercial Industrial (CI) district to Residential Multifamily Medium Density (RM-8) district. 963897886400000 963897899000000

The following PINs be changed from Institutional (INST) district to RAD Lyman Hollow (RAD LYH) district. 964806871700000

The following PINs be changed from River (RIV) district to RAD Industrial (RAD IND) district.
963887277600000

The following PINs be changed from River (RIV) district to RAD Neighborhood Transition (RAD NT) district.
963886899900000 963887701800000 963887718100000 963888980800000
963889808100000 963897579600000 963897760100000 963897836800000
964807022300000 963897495300000 (portion of)

The following PINs be changed from River (RIV) district to RAD Open Space/Public Facilities (RAD OSP) district.
963878964600000 963887587300000 963888486200000 963888645000000
963888804000000 963895577400000 963896572400000 963896596900000
963897003700000 963897009200000 963897009900000 963897167400000
963892348400000 (portion of) 963894575100000 (portion of) 963895723100000 (portion of)
963895842900000 (portion of)

The following PINs be changed from River (RIV) district to RAD River (RAD RIV) district.

963886855200000	963886963100000	963888766200000	963888792000000
963888867700000	963888936400000	963889237500000	963889292100000
963889369300000	963889387800000	963889439000000	963893497500000
963893552000000	963893635300000	963893761700000	963893975900000
963894628100000	963895876400000	963895896000000	963896596900000
963896711100000	963896738700000	963896778300000	963896784600000
963896816400000	963896848800000	963896969000000	963896976200000
963897281800000	963897369400000	963897710300000	963970989100000
963970997300000	963971577500000	963971648900000	963971817700000
963980138700000	963980161100000	963980211600000	964801816600000

963894575100000 (portion of) 963895723100000 (portion of)
963895842900000 (portion of) 963896052500000 (portion of)

The following PINs be changed from Residential Multi-family High Density (RM-16) district to RAD Neighborhood Transition (RAD NT), district.
963898269900000

The following PINs be changed from district to RAD Neighborhood Transition (RAD NT) district.
963887315000000 (portion of)

The following PINs be changed from district to RAD Lyman Hollow (RAD LYH) district.
963887315000000 (portion of)

The following PINs be changed from Residential Multifamily Medium Density (RM-8) district to RAD Neighborhood Transition (RAD NT) district.

963877949700000	963887042900000	963887121900000	963887210000000
963887507700000	963887511000000	963887603400000	963887608100000
963898275600000	963898292100000	963898360300000	963898453800000
963898356700000	963898358200000	963898440800000	963898458700000
963898463300000	963898468700000	963898550200000	963899200400000

964808513400000 963877680000000 (portion of) 963877873300000 (portion of)
963878531500000 (portion of) 963878602000000 (portion of) 963878610600000 (portion of)

The following PINs be changed from Residential Multifamily Medium Density (RM-8) district to RAD Open Space/Public Facilities (RAD OSP) district.
964814534100000 964814039800000 (portion of)

The following PINs be changed from Residential Multifamily Medium Density (RM-8) district to RAD Residential (RAD RES) district. 964814039800000 (portion of)

The following PINs be changed from district to Residential Single Family Low-Density (RS-2) to RAD Open Space/Public Facilities (RAD OSP) district.
963891989100000 963892348400000 (portion of)

The following PINs be changed from Residential Single Family Low-Density (RS-2) district to RAD River (RAD RIV) district. 963896052500000 (portion of)

The following PINs be changed from Residential Single-Family High Density (RS-8) district to RAD Residential (RAD RES) district.
964805637900000 964804998500000 (portion of) 964805816100000 (portion of)
964805835200000 (portion of)

The following PINs be changed from Urban Place (UP) district to RAD Neighborhood Transition (RAD NT) district.
963898059800000 963898159800000 963898173400000

The following PINs be changed from Urban Place (UP) district to RAD River (RAD RIV) district.
963896888800000 963898101200000

The following PINs be changed from Urban Place (UP) district to RAD Shopfront (RAD SHP) district.

964805504200000	964805527200000	964805540100000	9648055042C0110
9648055042C0120	9648055042C0130	9648055042C0140	9648055042C0150
9648055042C0160	9648055042C0200	9648055272C0110	9648055272C0120
9648055272C0130	9648055272C0140	9648055272C0150	9648055272C0200

A copy of the official zoning map showing said lots is attached hereto as Exhibit "A" and made a part hereof. A copy of the official zoning map showing said lots is attached hereto as Exhibit "A" and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed, to the extent of such conflict.

Section 5. The ordinances shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 6. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 14th of November, 2017.

Magdalen Burleson
City Clerk

Edwin E. Hunter
Mayor

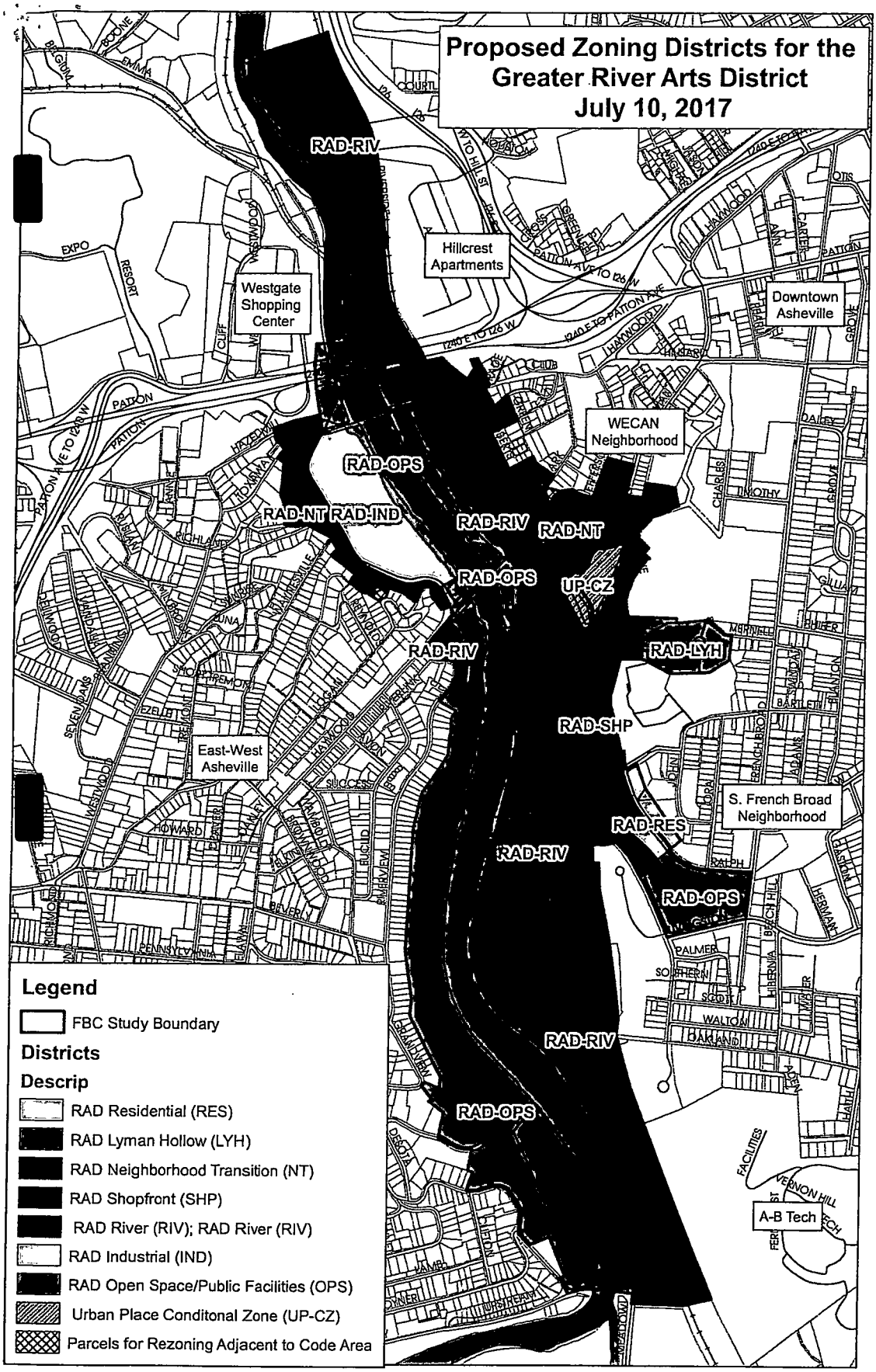
Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

Exhibit "A"

Proposed Zoning Districts for the Greater River Arts District
July 10, 2017



386

ORDINANCE NO. 4628

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 28th day of November, 2017.

Magdalen Burleson
City Clerk

Edwin G. Hunter
Mayor

Approved as to form:

City Attorney

PURPOSE: Procurement of hybrid bus batteries and security cameras.

Magdalen Burleson
City Clerk

CITY OF ASHEVILLE

BUDGET AMENDMENT

FISCAL YEAR	EFFECTIVE DATE
2017/18	11/28/2017

Purpose: To procure hybrid bus batteries and security cameras using local funds and multiple federal grants.

Requesting Department: Transportation

Amendment to: Transit Capital Fund

	Account	Current Budget	Amended Budget	Increase (Decrease)
Revenues				
65100950-435000-T1810	Restricted Intergov Federal Grants	$ -	$ 308,235	$ 308,235
65190950-498100-T1810	Operating Transfers from General Fund	$ -	$ 78,000	$ 78,000
Expenditures				
65100950-616101-T1810	Other Capital Outlay	$ -	$ 386,235	$ 386,235
BALANCE				$ -

Revision to: Transit Capital Fund

	Account	Current Budget	Amended Budget	Increase (Decrease)
65190950-498100-T1501	Operating Transfers from General Fund	$ 95,614	$ 17,614	$ (78,000)
65100950-521001-T1501	Contracted Services	$ 101,796	$ 23,796	$ (78,000)
BALANCE				$ -

388

ORDINANCE NO. 4629

ORDINANCE AMENDING ZONING FOR PROPERTY LOCATED AT 1568 BREVARD ROAD

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this proposed amendment is consistent with the City's 2025 Comprehensive Plan, Smart Growth policies, and other official plans of the City, and is determined to be reasonable and in the public interest in the following ways:

1. the site is a suitable location for housing development which is needed in the community; and
2. the site, as-is, does not have suitable infrastructure for an industrial use.

Now, therefore, be it ordained by the city council of the City of Asheville that:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

The zoning classification of that certain real property described in Exhibit A and identified on Buncombe County tax maps as PIN 9636-10-3860, and, recorded in Deed Book 5310, Pages 500-507; and currently owned by Buncombe County from Industrial (IND) to Residential Multi-family, High Density (RM16). A copy of the official zoning map showing said lot is attached hereto as Exhibit "A" and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed, to the extent of such conflict.

Section 5. The ordinances shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 6. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted this 28th day of November, 2017.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

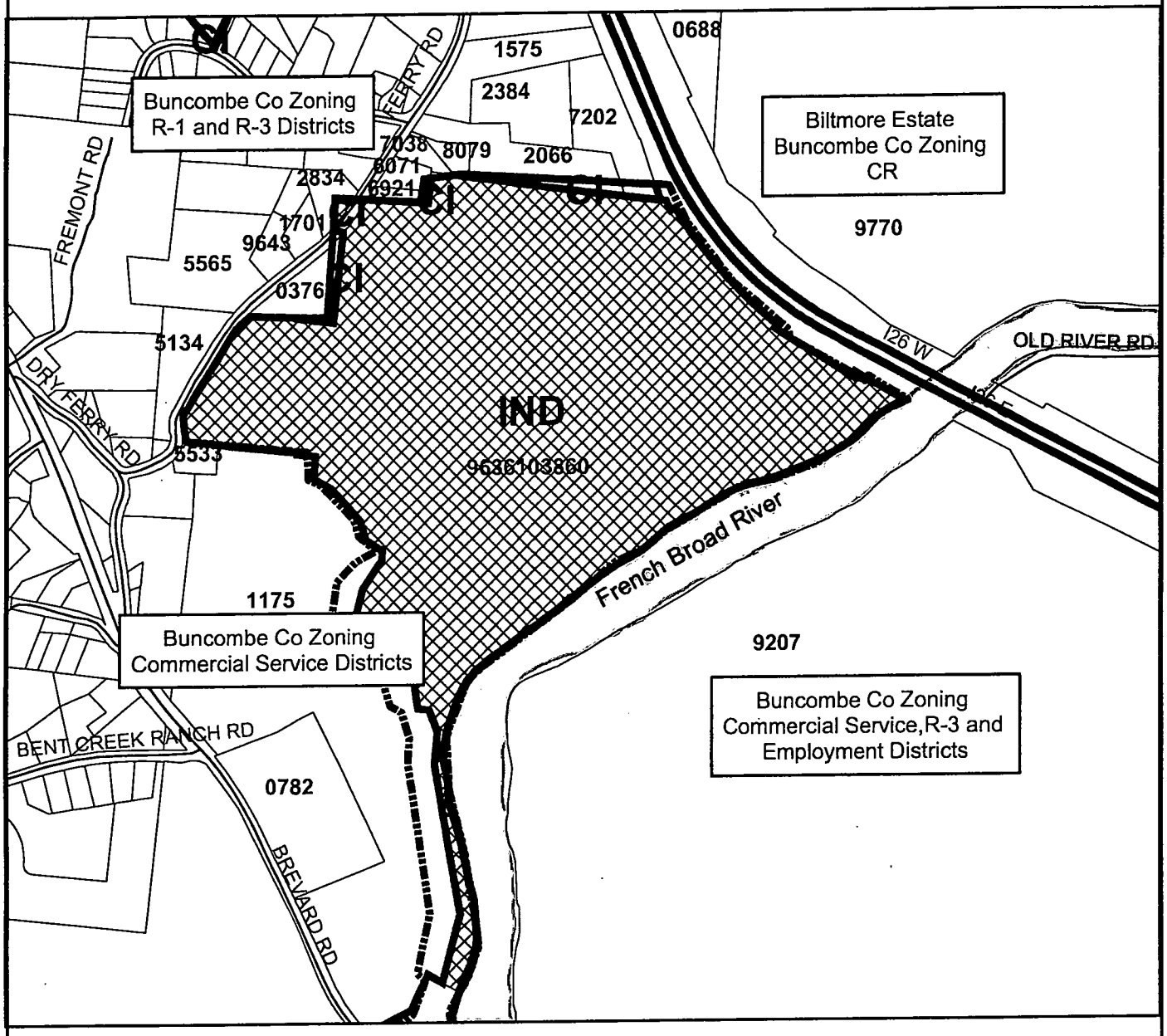
Magdalen Burleson
City Clerk

390.

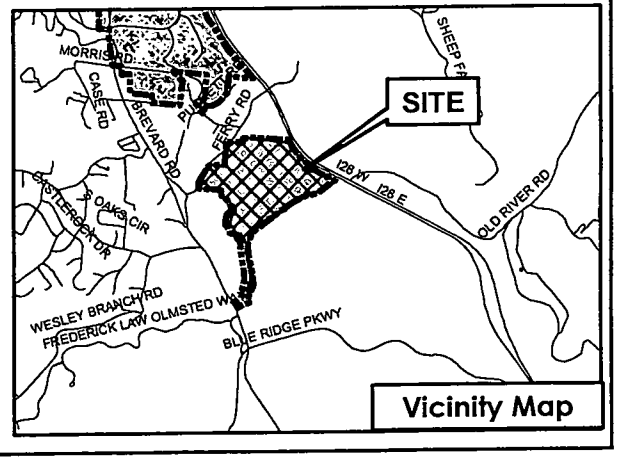
City of Asheville - Exhibit A Map
Rezoning Review
1568 Brevard Road

ASHEVILLE

N W E S



Project Name: Brevard Rd Rezoning
Project Number: 17-00000PZ
Project Description: Rezoning of 137 acre property
Petitioner(s): Buncombe County
Parcel ID Number(s): 9636-10-3860
Location/Address: 1568 Brevard Rd.



Project Site
Parcels
Zoning Districts
Asheville City Limits
Streets
Streams

City of Asheville Planning and Urban Design Department - August 2017

ORDINANCE NO. 4630

ORDINANCE AMENDING CHAPTER 7 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE TO AMEND THE HAYWOOD ROAD FORM DISTRICT

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety, and welfare; and

WHEREAS, the Haywood Road Form Code was originally adopted by City Council on September 9, 2014 after a community planning process involving stakeholders to develop the plan, and

WHEREAS, this Ordinance is determined to be reasonable, in the public interest, and is consistent with the Comprehensive Plan in the following ways:

(1) The code amendment will encourage infill development and facilitate vibrant mixed-use neighborhoods, and
(2) The amendment is based on feedback from stakeholders and users of the code.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1: Chapter 7 of the Code of Ordinances of the City of Asheville is hereby amended as follows:

Sec. 7-8-28 is replaced in its entirety with the new version of the Haywood Road Form Code document.

Section 2: If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 3: All ordinances or parts of ordinances in conflict are hereby repealed to the extent of such conflict.

392

Section 4: This ordinance will become effective upon adoption.

Read, approved, and adopted this the 28th day of November, 2017.

Magdalen Burleson
City Clerk

Esther E. Marsh
Mayor

Approved as to form:

City Attorney

Magdalen Burleson

ORDINANCE NO. 4631

ORDINANCE AMENDING ZONING FOR PROPERTIES LOCATED ALONG HAYWOOD ROAD

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this proposed amendment is consistent with the City's 2025 Comprehensive Plan, Smart Growth policies, and other official plans of the City, and is determined to be reasonable and in the public interest in the following ways:

1) Opportunities for commercial investment and redevelopment are enhanced; and
2) Buffering requirements are in place to protect residential areas; and
3) The HR5 Live-Work district is no longer the most appropriate zoning for this area.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

The zoning classification of certain real properties described in Exhibit A and identified on Buncombe County tax maps as PINs
963875749200000, 963875833900000, 963875845600000, 963875847800000, 963875859100000, 963875952400000, 963875955700000, 963875968000000, 963885061300000, 963885063600000, 963885065800000, 963885077000000, 963885082600000, 963885171400000, 963885187100000, 963885189300000, 963885281400000, 963885283700000, 963885296000000, 963885297200000,

963885299400000, 963885391600000, 963885393700000, 963885394900000, 963886306100000, 963886308300000, 963886309500000, 963886401700000, 963886403900000, 963886430100000, 963886511700000, 963886528500000, 963886543700000, 963886632000000, 963886637400000, 963886658800000, 963886730800000, 963886742100000, 963886746400000, 963886748700000, 963885095800000 (portion of),963886101500000 (portion of), 963886217900000 (portion of)

be changed from HR5 Live-Work (HR5 LW) district to HR7 Traditional Community (HR7 TC) district. A copy of the official zoning map showing said lots is attached hereto as Exhibit "A" and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed, to the extent of such conflict.

Section 5. The ordinances shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 6. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 28th of November, 2017.

Magdalen Boulison
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

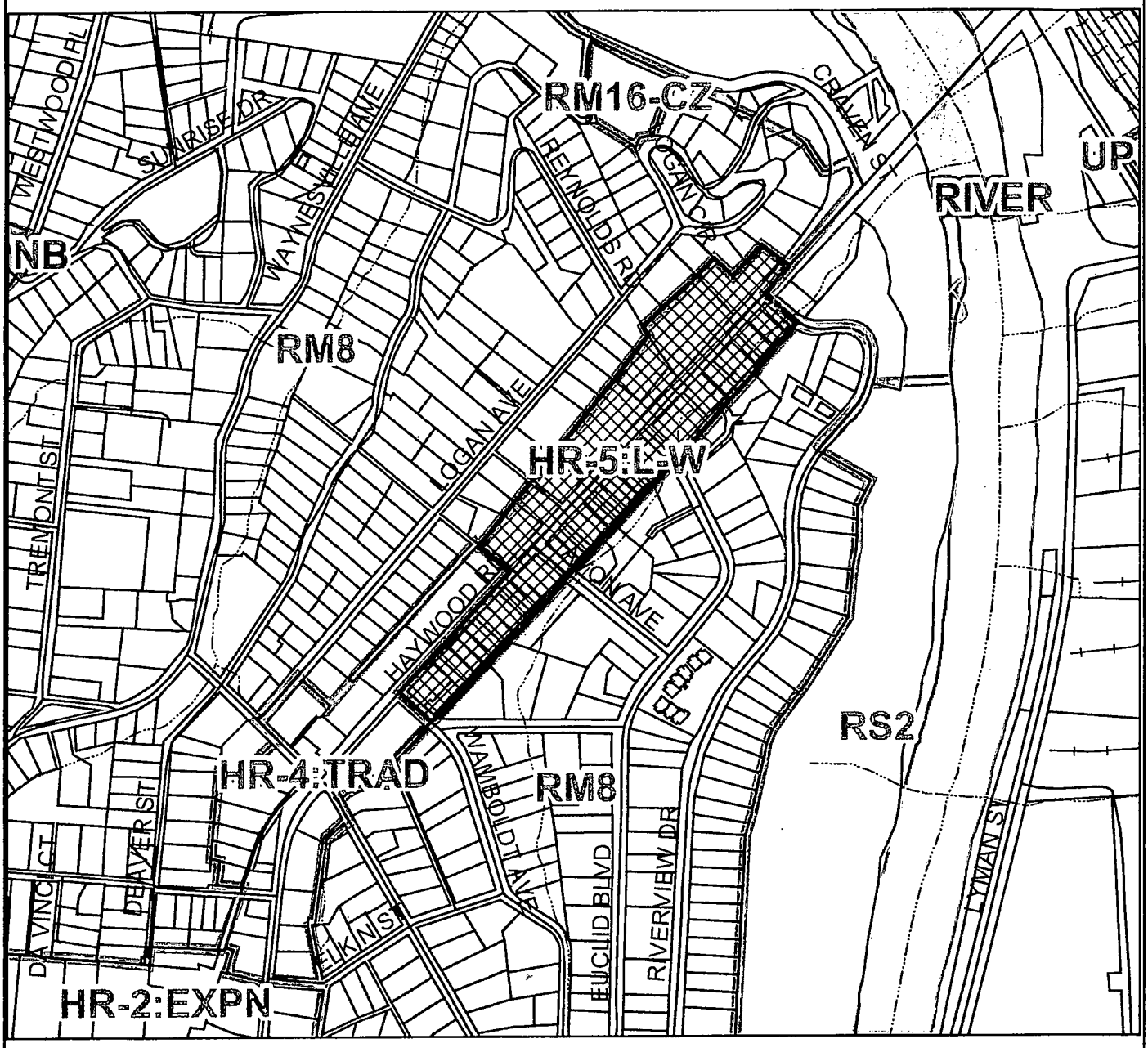
City Attorney

Magdalen Boulison
City Clerk

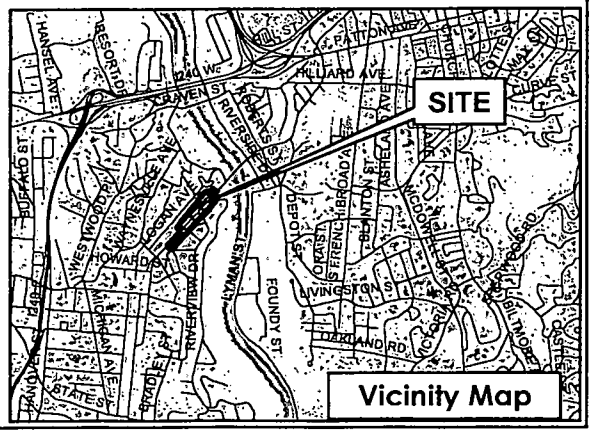
ASHEVILLE

City of Asheville - Exhibit A Map
Haywood Road Rezoning HR-5 to HR-7

N W E S



Project Name:	Haywood Road
Project Number:	17 - xxxxxx PZ
Project Description:	Rezoning HR-5 to HR-7
Petitioner(s):	City of Asheville
Parcel ID Number(s):	See map
Location/Address:	Haywood Road corridor



Project Site
Parcels
Zoning Districts
Asheville City Limits
Streets
Streams

City of Asheville Planning and Development Department - October 19, 2017

396

ORDINANCE NO. 4632

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 9th day of January, 2018.

Magdalen Bowlesson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

PURPOSE: Technical budget amendment in each of the City's annual operating funds to appropriate from restricted and assigned fund balance the required budget authorization for prior year contracts, purchase orders, and other carry-over appropriations that rolled forward to FY 2017-18.

Magdalen Bowlesson
City Clerk

CITY OF ASHEVILLE

BUDGET AMENDMENT
2017/18

FISCAL YEAR | EFFECTIVE DATE

Purpose: Technical Budget Amendment to appropriate funding for prior year contracts and purchase orders that rolled forward to FY 2017-18.

Requesting Department: Finance

Amendment to: All operating funds

	Account	Current Budget	Amended Budget	Increase (Decrease)
Revenues				
110000xx-499101	Appropriated Fund Balance Reserved for Encumbrances	$ -	$ 7,552,854.11	$ 7,552,854.11
23004100-499101	Appropriated Fund Balance Reserved for Encumbrances	$ -	$ 1,541,361.00	$ 1,541,361.00
24000016-499101	Appropriated Fund Balance Reserved for Encumbrances	$ -	$ 36,923.02	$ 36,923.02
61000911-499101	Appropriated Fund Balance Reserved for Encumbrances	$ -	$ 1,538,119.36	$ 1,538,119.36
62000220-499101	Appropriated Fund Balance Reserved for Encumbrances	$ -	$ 408,264.91	$ 408,264.91
62200314-499101	Appropriated Fund Balance Reserved for Encumbrances	$ -	$ 576,943.59	$ 576,943.59
62400320-499101	Appropriated Fund Balance Reserved for Encumbrances	$ -	$ 659,138.79	$ 659,138.79
6260090x-499101	Appropriated Fund Balance Reserved for Encumbrances	$ -	$ 146,666.54	$ 146,666.54
65000951-499101	Appropriated Fund Balance Reserved for Encumbrances	$ -	$ 91,182.54	$ 91,182.54
81100043-499101	Appropriated Fund Balance Reserved for Encumbrances	$ -	$ 84,590.80	$ 84,590.80
81300038-499101	Appropriated Fund Balance Reserved for Encumbrances	$ -	$ 95,101.00	$ 95,101.00
Expenditures				
110000xx-52xxxx	Various Accounts	$ -	$ 7,552,854.11	$ 7,552,854.11
23004100-527200	Awarded Loans	$ -	$ 1,541,361.00	$ 1,541,361.00
24000016-52xxxx	Various Accounts	$ -	$ 36,923.02	$ 36,923.02
61000911-52xxxx	Various Accounts	$ -	$ 1,538,119.36	$ 1,538,119.36
62000220-52xxxx	Various Accounts	$ -	$ 408,264.91	$ 408,264.91
62000314-52xxxx	Various Accounts	$ -	$ 576,943.59	$ 576,943.59
62400320-52xxxx	Various Accounts		$ 659,138.79	$ 659,138.79
6260090x-52xxxx	Various Accounts	$ -	$ 146,666.54	$ 146,666.54
65000951-52xxxx	Various Accounts	$ -	$ 91,182.54	$ 91,182.54
81100043-52xxxx	Various Accounts	$ -	$ 84,590.80	$ 84,590.80
81300038-52xxxx	Various Accounts	$ -	$ 95,101.00	$ 95,101.00
BALANCE				$ -

398

ORDINANCE NO. 4633

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 9th day of January, 2018.

Magdalen Bowlson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

PURPOSE: NC Office of Justice Programs via the US Dept. of Justice:Ballistic Vest Partnership (BVP) 2017 Program

Magdalen Bowlson
City Clerk

CITY OF ASHEVILLE

BUDGET AMENDMENT

2017/18	1/9/2018
FISCAL YEAR	EFFECTIVE DATE

Purpose: To establish the Ballistic Vest Partnership 2017 using grant funding from the US Department of Justice.

Requesting Department: Police

Amendment to: Grant Fund

	Account	Current Budget	Amended Budget	Increase (Decrease)
Revenues				
22000122-435000-P18xx	Restricted Intergovernmental Federal Grants	$ - .00	$ 26,636.49	$ 26,636.49
22090122-498100-P18xx	Operating Transfers from General Fund	$ - .00	$ 26,636.49	$ 26,636.49
Expenditures				
22000122-524003-P18xx	Supplies - Safety Equipment	$ - .00	$ 53,272.98	$ 53,272.98
BALANCE				$ - .00

Revision to: General Fund

	Account	Current Budget	Amended Budget	Increase (Decrease)
Expenditures				
11000122-524003	Supplies - Safety Equipment	$184,000.00	$ 157,363.51	$ (26,636.49)
11090122-800220	Transfer to Grant Fund	$200,494.00	$ 227,130.49	$ 26,636.49
BALANCE				$ - .00

400.

ORDINANCE NO. 4634

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made a part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 9th day of January, 2018.

Magdalen Bowlesson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

PURPOSE: High Intensity Drug Traffic Area (HIDTA) 2017 Grant

Magdalen Bowlesson
City Clerk

CITY OF ASHEVILLE

BUDGET AMENDMENT

FISCAL YEAR	EFFECTIVE DATE
2017/18	1/9/2018

Purpose: To establish budget for HIDTA 2017.

Requesting Department: Police

Amendment to: Grant Fund

	Account	Current Budget	Amended Budget	Increase (Decrease)
Revenues				
22000121-435000-P18xx	Restricted Intergov Federal Grants	$ -	$ 22,335	$ 22,335
Expenditures				
22000121-528304-P18xx	Police Special Purposes	$ -	$ 22,335	$ 22,335
BALANCE				$ -

1402

ORDINANCE NO. 4635

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and in effect upon the date of final passage.

Read, approved and adopted this 9th day of January, 2018.

Magdalen Boulison
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

PURPOSE: Procurement of five electric buses

Magdalen Boulison

CITY OF ASHEVILLE

BUDGET AMENDMENT

FISCAL YEAR	EFFECTIVE DATE
2017/18	12/19/2017

Purpose: To procure five zero-emission, battery-electric transit buses.

Requesting Department: Transportation

Amendment to: Transit Capital Projects Fund

	Account	Current Budget	Amended Budget	Increase (Decrease)
Revenues				
65100950-435000-T1801	Restricted Intergov Federal Grants	$ 2,491,000	$ 2,546,758	$ 55,758
65100950-436000-T1801	Restricted Intergov State Grants	$ -	$ 425,242	$ 425,242
Expenditures				
65100950-614101-T1801	Machinery & Equipment	$ 3,149,000	$ 3,630,000	$ 481,000
BALANCE				$ -

.404.

ORDINANCE NO. 4636

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 9th day of January, 2018.

Magdalen Bowlerson
City Clerk

Esther E Manheimer
Mayor

Approved as to form:

City Attorney

PURPOSE: Design and construction of a retaining wall to repair a slope failure between Skyview Place and Sunset Drive.

Magdalen Bowlerson

CITY OF ASHEVILLE

BUDGET AMENDMENT

2017/18	1/9/2018
FISCAL YEAR	EFFECTIVE DATE

Purpose: Repairing a slope failure between Skyview Place and Sunset Drive.

Requesting Department: Public Works

Amendment to: General Capital Project Fund

	Account	Current Budget	Amended Budget	Increase (Decrease)
Revenues				
41000231-494171-K18xx	Interim Credit Facility	$ -	$ 750,000	$ 750,000
Expenditures				
41000231-521001-K18xx	Contracted Services	$ -	$ 750,000	$ 750,000
BALANCE				$ -

406

ORDINANCE NO. 4637

ORDINANCE AMENDING CHAPTER 7 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE TO DEFINE LODGING TYPES AND AMEND THE TABLE OF USES

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety, and welfare; and

WHEREAS, the Unified Development Ordinance (Chapter 7 of the City Code of Ordinances) provides standards for various forms of lodging uses and developments which should be expanded and updated to be consistent with city goals and plans; and

WHEREAS, this Ordinance is determined to be reasonable, in the public interest, and is consistent with the Comprehensive Plan in the following ways:

(1) Modifies development standards to promote harmony and compatibility with surrounding neighborhoods, and

(2) Defines and provides greater clarity and consistency with respect to lodging related land uses.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1: Chapter 7 of the Code of Ordinances of the City of Asheville is hereby amended as follows:

a. Sec. 7-2-5 is amended by updating the following definitions:

Bed and breakfast inn means a private resident-occupied dwelling unit with four to eight guest rooms where overnight lodging accommodations, with or without a morning meal, are provided to transients for compensation and where the bed and breakfast inn is operated primarily as a business.

Boardinghouse means a resident-occupied dwelling unit which provides housing for compensation to more than four unrelated individuals; is enclosed within one structure with only one kitchen and other shared common areas such as a dining room, living room or study area, and no dining facilities or kitchens in the lodgers' rooms. In no case shall tenant rooms be rented or leased for intervals of less than one month.

Dwelling unit means one or more rooms physically arranged so as to create an independent housekeeping establishment for occupancy by one family with separate toilets, sleeping rooms, and a kitchen. A dwelling unit rented or leased for intervals of less than one month is considered a "Lodging" use under this UDO.

Homestay means a private, resident occupied dwelling unit, with up to two guest rooms where overnight lodging accommodations are provided to transients for compensation and where the use is subordinate and incidental to the main residential use of the building. A homestay is considered a "Lodging" use under this UDO.

b. Sec. 7-2-5 is amended by adding the following definitions:

Family means one or more persons related by blood, adoption, or marriage; or a group of not more than five unrelated persons; or a number of persons not exceeding two, who are separate from, and in addition to, the persons related by blood, adoption, or marriage. For the purposes of this chapter, all members of a family shall live and cook together as a single housekeeping unit in a single dwelling unit.

Guest room means an individually secured sleeping room or a suite, with or without sanitation facilities, but which does not contain a kitchen.

Hotel, extended stay means a commercial lodging establishment, under single management with on-site supervisory personnel, containing 21 or more individual units each providing accommodations for sleeping, sanitation and a kitchen and which may contain ancillary facilities or services such as restaurants, bars, coffee shops, exercise rooms, swimming pools, spas and meeting rooms.

Hotel, large means a commercial lodging establishment, under single management with on-site supervisory personnel, containing 21 or more guest rooms offered to the general public for transient lodging accommodations and which may contain ancillary facilities or services such as restaurants, bars, coffee shops, exercise rooms, swimming pools, spas and meeting rooms.

Hotel, small means a commercial lodging establishment, under single management with on-site supervisory personnel, containing 7-20 guest rooms offered to the general public for transient lodging accommodations and which may contain ancillary facilities or services such as restaurants, bars, coffee shops, exercise rooms, swimming pools, spas and meeting rooms.

Kitchen means an area within a structure that is used or designed to be used for the preparation or cooking of food and that contains one or more of the following:

1. Cooking appliances or rough in facilities for such appliances including, but not limited to: ovens, convection ovens, stoves, stove tops, built-in grills or built-in microwave ovens or similar appliances, 240 volt electrical outlets or any gas lines, or

2. A sink less than 18 inches in depth with a waste line drain 1½ inches or greater in diameter, or

3. A refrigerator exceeding five cubic feet in capacity or space opening with an electrical outlet that may reasonably be used for a refrigerator exceeding five cubic feet in capacity.

Short-term vacation rental means a dwelling unit with up to six guest rooms that is used and/or advertised through an online platform, or other media, for transient occupancy for a period of less than one month. A short-term vacation rental is considered a "Lodging" use under this UDO.

c. Sec. 7-2-5 is amended by deleting the following definition:

Vacation resort lodging.

d. Sec. 7-5-2(c) is amended by inserting an new item "(4)" to read as follows:

(4) *Annual zoning permits.* An annual zoning permit is required for certain land uses including *homestays* and *short-term vacation rentals*. Annual zoning permits must be renewed each year before the expiration date and in accordance with the terms of this UDO. Failure to timely renew the annual zoning permit will result in an expiration of that permit, and can result in a voluntary forfeiture of all legal rights and claims to continue that use. See Sec. 7-17-3.

e. Sec. 7-5-9(a)(1)(a) is amended by deleting item "5."

f. Sec. 7-5-9.1(a)(1) is amended by deleting item "c."

g. Sec. 7-7-8(b) is amended as follows:

(b) *Conditional zoning districts.* Conditional zoning is available to any of the general zoning classifications enumerated in this ordinance, except for those that require a master plan as part of the application (e.g. Urban Village). Expansion zoning

districts are only allowed as conditional zoning districts for Level III projects and as otherwise indicated in the Table of Permitted Uses and this UDO. Applicants for Level III projects shall select the most applicable expansion district based on the proposed use(s). The conditional zoning designation shall be indicated on all zoning maps and other official documents with the suffix, "CZ" (e.g. RM-8 CZ; IND CZ; COM EXP CZ)

h. Sec. 7-8-1(d) *Table of Permitted Uses* "Lodging" section is amended as follows:

Commercial/Business Uses	RB 2	RB 4	RB 6	RM 6	RM 8	RM 16	NB	O	OII	OB	CBI	CBII	NCD	HB	RB	CI	CBD	LI	IND	RES	INST	RM	UR	UV	UP	ARPT	CBD EXP	INST EXP	COM EXP	RES EXP	IND EXP	LODG EXP	MXD EXP
[other sections to remain unchanged]																																	
Lodging																																	
Bed & breakfast inns				S	S	S		S	S	S	S	S	S	S	S						S	S	S		S	S				P		P	
Boardinghouses						S					S	S	S	S	S		S				S	S		S	S					P		P	
Campground															P	P				P		P										P	
Homestays	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S			S	S	S	S	S	S		P			P			P
Hotel, extended stay																				P							P		P			P	P
Hotel, large																				P							P		P			P	P
Hotel, small																				P							P		P			P	P
Short-term vacation rental																				S							P					P	P

i. **Sec. 7-8-28(3.2)** ***Permitted Use Table*** (Haywood Road Form Code). **is amended as follows:**

	Core HR-1	Expansion HR-2	Corridor HR-3	Traditional HR-4	Live-Work HR-5	Town HR-6	Special Standards
[illegible]							
Lodging							
Bed and breakfast inn	—	S	S	S	S	S	Subsection 7-16-1(c)(10)
Boardinghouse	—	S	S	S	—	S	Subsection 7-16-1(c)(11)
Homestay	—	S	S	S	S	S	Subsection 7-16-1(c)(9)
Hotel, extended stay	—	—	—	—	—	—	
Hotel, large	—	—	—	—	—	—	
Hotel, small	—	—	—	—	—	—	
Short-term vacation rental	—	—	—	—	—	—	Subsection 7-16-1(c)(64.1)

j. **Sec. 7-8-29(3.2)** ***Permitted Use Table*** (RAD Road Form Code). **is amended as follows:**

	RAD -RES	RAD -LYH	RAD -NT	RAD -SHP	RAD -RIV	RAD -IND	RAD -OSP	Special Standards
[illegible]								
Lodging								

412

Bed and breakfast inn	S	S	S	S	S	—	—	Subsection 7-16-1(c)(10)
Boardinghouse	S	S	S	S	S	—	—	Subsection 7-16-1(c)(11)
Campground/RV Park	—	—	—	—	S	—	—	
Homestay	S	S	S	S	S	—	—	Subsection 7-16-1(c)(9)
Hotel, extended stay	—	—	—	—	—	—	—	
Hotel, large	—	—	—	—	—	—	—	
Hotel, small	—	—	—	—	—	—	—	
Short-term vacation rental	—	—	—	—	—	—	—	Subsection 7-16-1(c)(64.1)

k. Sec. 7-8-40(b) (CBD Expansion District) **is amended as follows:**

Commercial/Business/ Office Uses	**All uses allowed in the Central Business District (see 7-8-1) within the Table of Permitted Uses are permitted in the CBD EXP, Homestay, Hotel (large, small & extended stay), Short-term vacation rental.**

l. Sec. 7-8-42(b) (Commercial Expansion District) **is amended as follows:**

Commercial/ Business/ Office Uses	**Eating and drinking establishments, Nightclubs, Microbreweries, Recreational uses Commercial, Clinics, Clinics veterinary, Movie theaters, Office, Financial services, Flea markets, Funeral homes, Hotel (large, small & extended stay), Retail, Research and technology production uses, Self storage, Studios (Low and High impact), Galleries, Taxistand**

m. Sec. 7-8-45(b) (Lodging Expansion District) **is amended as follows:**

Commercial/Business/ Office Uses	**Eating and drinking establishments, Nightclubs, Recreational uses commercial, Bed & Breakfast Inn, Boardinghouse, Campground, Hotel (large, small & extended stay) Short-term vacation rental, Office**

n. Sec. 7-8-46(b) (Mixed Use Expansion District) **is amended as follows:**

Commercial/ Business/ Office Uses	**Eating and drinking establishments, Nightclubs, Microbreweries, Recreational uses, Commercial, Office, Clinics, Clinics veterinary, Financial services, Health and Fitness, Homestay, Hotels (large, small & extended stay), Instructional services, Laundry/dry cleaning, Research and technology production uses, Retail, Short-term vacation rental, Taxi, Gallery, Studio/workshop: low impact**

o. Sections 7-16-1(b)(9), (10) & (11) are amended as follows:

(9) *Homestays.* All districts as noted in sections 7-8-1(d) *Table of Permitted Uses* and sections 7-8-28(3.2) and 7-8-29(3.2) *Permitted Use Table.*

(10) *Bed and breakfast inns.* All districts as noted in sections 7-8-1(d) *Table of Permitted Uses* and sections 7-8-28(3.2) and 7-8-29(3.2) *Permitted Use Table.*

(11) *Boardinghouse.*-All districts as noted in sections 7-8-1(d) *Table of Permitted Uses* and sections 7-8-28(3.2) and 7-8-29(3.2) *Permitted Use Table.*

p. Sec. 7-16-1(b) is amended by inserting new "(64.1)" to read as follows:

(64.1) *Short-term vacation rental.* All districts as noted in sections 7-8-1(d) *Table of Permitted Uses* and sections 7-8-28(3.2) and 7-8-29(3.2) *Permitted Use Table.*

q. Sections 7-16-1(c)(9)(a), (10)(a) & (11)(a) are amended as follows:

(9) *Homestays.*

a. Use districts: All districts as noted in sections 7-8-1(d) *Table of Permitted Uses* and sections 7-8-28(3.2) and 7-8-29(3.2) *Permitted Use Table.*

(10) *Bed and breakfast inns.*

a. Use districts: All districts as noted in sections 7-8-1(d) *Table of Permitted Uses* and sections 7-8-28(3.2) and 7-8-29(3.2) *Permitted Use Table.*

(11) *Boardinghouse.*

a. Use districts: All districts as noted in sections 7-8-1(d) *Table of Permitted Uses* and sections 7-8-28(3.2) and 7-8-29(3.2) *Permitted Use Table.*

414

r. Sec. 7-16-1(c) is amended by inserting a new "(64.1)" to read as follows:

(64.1) *Short-term vacation rental.*

a. Use districts: All districts as noted in sections 7-8-1(d) *Table of Permitted Uses* and sections 7-8-28(3.2) and 7-8-29(3.2) *Permitted Use Table.*
b. No displays of goods, products, services, or other advertising shall be visible from outside of the dwelling.
c. No activities other than lodging shall be provided.
d. Off-street parking shall be required per Sec. 7-11-2.
e. No signage shall be allowed for short-term vacation rentals.
f. The length of stay of guests shall be less than one month.
g. Exterior lighting shall be residential in nature and shall comply with the lighting requirements in the UDO.
h. The short-term vacation rental owner or operator shall maintain liability insurance on the property, which covers the short-term vacation rental use and guests.
i. The short-term vacation rental owner or operator must pay any applicable taxes, including occupancy and sales taxes, to the appropriate governmental entity.
j. The short-term vacation rental shall comply with all current and applicable building codes.
k. The short-term vacation rental must be reviewed annually and inspected for compliance with the annual zoning permit.

s. Sec. 7-16-1(c)(10) is amended by combining subsections "h" & "m" as follows:

h. No home of less than 3,500 heated square feet, and less than 30 years old shall be used for a bed and breakfast inn.

["i" through "l" remain unchanged]

Renumber item "n" to "m"

t. Sec. 7-16-1(b)(71) *Vacation resort housing* is deleted in its entirety and replaced with:

(71) [Reserved]

u. Sec. 7-16-1(c)(71) *Vacation resort housing* is deleted in its entirety and replaced with:

(71) [Reserved]

v. **Sec. 7-17-3 *Nonconforming Uses* is amended by inserting a new item "(f)" that reads:**

(f) *Nonconforming short-term vacation rentals.* All lawfully existing nonconforming lodging facilities which would now be classified as a "short-term vacation rental" may continue in operation until such time that the lodging use is discontinued for a period greater than 180 consecutive days. In addition, the short-term vacation rental annual permit will be required for all nonconforming short-term vacation rentals and failure to renew said permit before its expiration will also constitute a conclusory presumption that the lawful nonconformity has ceased for more than 180 consecutive days, and will result in the voluntary forfeiture of all rights and claims to operate a short-term vacation rental at the address noted on the permit under this provision.

Section 2: If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 3: All ordinances or parts of ordinances in conflict are hereby repealed to the extent of such conflict.

Section 4: This ordinance will become effective upon adoption.

Read, approved, and adopted this the 9th day of January, 2018.

Magdalen Boulisson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Boulisson
City Clerk

416

ORDINANCE 4638

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment forms attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 23rd day of January 2018.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

PURPOSE: To setup the project budget for Mountain Projects (Haywood County) New Deviated Fixed-Route, and Buncombe County Black Mountain Trailblazer Operating Assistance,.

Magdalen Burleson
City Clerk

CITY OF ASHEVILLE

BUDGET AMENDMENT

2017/18	1/23/2018
FISCAL YEAR	EFFECTIVE DATE

Purpose: To set up project budgets for FY 2016 and FY 2017 Job Access and Reverse Commute (JARC) projects.

Requesting Department: Transportation

Amendment to: Transit Multi-Year Fund

	Account	Current Budget	Amended Budget	Increase (Decrease)
Revenues				
65100950-435516-T1812	Restricted Intergov - FTA JARC	$ -	$ 196,648	$ 196,648
Expenditures				
65100950-527102-T1812	Transit Pass Through Grant	$ -	$ 196,648	$ 196,648
BALANCE				$ -

418

ORDINANCE NO. 4639

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and in effect upon the date of final passage.

Read, approved and adopted this 23th day of January, 2018.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: Pedestrian and ADA Plan

Magdalen Burleson
City Clerk

BUDGET AMENDMENT

CITY OF ASHEVILLE

2017/18	1/23/2018
FISCAL YEAR	EFFECTIVE DATE

Purpose: To accept a grant from the French Broad River Metropolitan Planning Organization (MPO), along with a City match, for an update to the City's pedestrian plan and ADA transition plan.

Requesting Department: Transportation

Amendment to: Special Revenue Fund

Account		Current Budget	Amended Budget	Increase (Decrease)
Revenues				
22002100-435505-T18xx	Restricted Intergovernmental - Federal Portion of MPO	$ - .00	$ 140,000.00	$ 140,000.00
22092100-498100-T18xx	Operating Transfers from General Fund	$ - .00	$ 35,000.00	$ 35,000.00
Expenditures				
22002100-521001-T18xx	Contracted Services	$ - .00	$ 175,000.00	$ 175,000.00
BALANCE				**$ - .00**

Revision to: General Fund

Account		Current Budget	Amended Budget	Increase (Decrease)
Revenues				
11000010-499100	Appropriated Fund Balance	$ 1,181,000.00	$ 1,356,000.00	$ 175,000.00
Expenditures				
11092100-800220	Transfer to Grant Fund	$ - .00	$ 175,000.00	$ 175,000.00
BALANCE				**$ - .00**

420 -

ORDINANCE NO. 4640

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and in effect upon the date of final passage.

Read, approved and adopted this 23th day of January, 2018.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: Feasibility Study
Biltmore/McDowell/Broadway

Magdalen Burleson
City Clerk

CITY OF ASHEVILLE

BUDGET AMENDMENT

2017/18	1/23/2018
FISCAL YEAR	EFFECTIVE DATE

Purpose: To accept transportation funds from the French Broad River MPO for a feasibility study regarding transportation operations on Biltmore Avenue, McDowell Street and Broadway.

Requesting Department: Transportation

Amendment to: Special Revenue Fund

Account		Current Budget	Amended Budget	Increase (Decrease)
Revenues				
22002100-435505-T18xx	Restricted Intergovernmental - Federal Portion of MPC	$ - .00	$ 160,000.00	$ 160,000.00
22092100-498100-T18xx	Operating Transfers from General Fund	$ - .00	$ 40,000.00	$ 40,000.00
Expenditures				
22002100-521001-T18xx	Contracted Services	$ - .00	$ 200,000.00	$ 200,000.00
BALANCE				**$ - .00**

Revision to: General Fund

Account		Current Budget	Amended Budget	Increase (Decrease)
Revenues				
11000010-499100	Appropriated Fund Balance	$1,181,000.00	$ 1,381,000.00	$ 200,000.00
Expenditures				
11092100-800220	Transfer to Grant Fund	$ - .00	$ 200,000.00	$ 200,000.00
BALANCE				**$ - .00**

422

ORDINANCE NO. 4641

AN ORDINANCE AMENDING ARTICLE II, DIVISION 1, SECTIONS 21, 23, 24, 25, 28 AND ARTICLE II, DIVISION 2, SECTION 44 OF APPENDIX C OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

Section 1: That Article II, Division I, Section 21 of Appendix C of the Code of Ordinances of the City of Asheville (Speed Limits – Ten miles per hour, City system) be amended to remove:

Federal Alley, between Aston Street and Coxe Avenue.

Pearlman Alley, between Page Avenue and Battery Park Avenue.

Second Street, between Coxe Avenue and Buncombe Street.

Wilsons Alley, between Eagle Street and Beaumont Street.

Section 2: That Article II, Division I, Section 23 (b) of Appendix C of the Code of Ordinances of the City of Asheville (Speed Limits – Twenty miles per hour, City system) be amended to remove:

Aston Street, between Asheland Avenue and Biltmore Avenue.

Beverly Road, between Tunnel Road (U.S. Highway 70) and Fairway Drive.

Davidson Street, between College Street and Eagle Street.

Spruce Street, between Walnut Street and Market Street

South Beaumont Street, between M. L. King, Jr. Boulevard and Hazzard Street.

University Heights, from the northern intersection with Edgewood Road to the southern intersection with Edgewood Road.

Section 3: That Article II, Division I, Section 23 (a) of Appendix C of the Code of Ordinances of the City of Asheville (Speed Limits – Twenty miles per hour, state highway system) be amended to remove:

Braeside Circle, entirety.

Section 4: That Article II, Division I, Section 24 (a) of Appendix C of the Code of Ordinances of the City of Asheville (Speed Limits – Twenty Five miles per hour, state highway system) be amended to remove:

Sycamore Drive (SR 3165) from a point 0.12 mile east of US 25-A (Sweeten Creek Road) eastward to US 25-A (Sweeten Creek Road).

Sycamore Drive (SR 3171) from US 25 (Hendersonville Road) northeastward to a point 0.32 mile northeast of US 25 (Hendersonville Road).

Sycamore Terrace (SR 3175)from a point 0.03 mile west of SR 3172 eastward to a point 0.11 mile east of SR 3172.

Section 5: That Article II, Division I, Section 24 (b) of Appendix C of the Code of Ordinances of the City of Asheville (Speed Limits – Twenty Five miles per hour, City system) be amended to remove:

Columbine Road, in its entirety.

Edgewood Road (Enka), from Brookside Circle to dead end.

Fairview Road, between US 74 and Broadview Drive.

Pearson Bridge Road, entirety.

Section 6: That Article II, Division I, Section 25 (b) of Appendix C of the Code of Ordinances of the City of Asheville (Speed Limits – Thirty miles per hour, City system) be amended to remove:

Wolfe Cove Road, in its entirety.

Section 7: That Article II, Division I, Section 28 of Appendix C of the Code of Ordinances of the City of Asheville (Speed Limits – Forty-Five miles per hour, City system) be amended to remove:

Riverside Drive (NC 191), from the Asheville Expressway northward to the corporate limits.

Airport Road (S. R. 3526) from Fanning Bridge Road (S. R. 3539) northward to the Henderson County line, a point 0.42 mile north of S. R. 3539.

Section 8: That Article II, Division II, Sec. 44 of Appendix C of the Code of Ordinances of the City of Asheville (Speed Limits - Twenty-five miles per hour while parochial and day schools are in session.) be amended to remove:

St. Genevieve-Gibbons Hall. Victoria Road between Livingston Street and Oakland Road between the hours of 8:00 a.m. and 9:00 a.m. and between the hours of 2:30 p.m. and 4:00 p.m.

St. Joan of Arc School. Haywood Road between Lynndale Avenue and Cloyes Street between the hours of 8:00 a.m. and 9:00 a.m. and between the hours of 2:15 p.m. and 3:15 p.m.

Section 9: That Article II, Division I, Section 21 of Appendix C of the Code of Ordinances of the City of Asheville (Speed Limits – Ten miles per hour, City system) be amended to include:

424

Federal Alley, from Coxe Avenue and Hilliard Avenue.

Wilson Alley, from Eagle Street to Sycamore Street.

Section 10: That Article II, Division I, Section 23 (b) of Appendix C of the Code of Ordinances of the City of Asheville (Speed Limits – Twenty miles per hour, City system) be amended to include:

Aston Street, from Coxe Avenue to Biltmore Avenue.

Beaumont Street, from M. L. King, Jr. Boulevard to Hazzard Street.

Beverly Road, from U. S. 70 Tunnel Road to Kensington Drive.

Davidson Drive, from Eagle Street to Marjorie Street.

Spruce Street, from Walnut Street to Eagle Street.

Section 11: That Article II, Division I, Section 24 (b) of Appendix C of the Code of Ordinances of the City of Asheville (Speed Limits – Twenty Five miles per hour, City system) be amended to include:

Columbine Road, from East Schenck Crescent to Pinchot Drive.

Lower Edgewood Road (Enka), from Brookside Circle to the end of City maintenance.

Old Fairview Road, from Fairview Road to the end of City maintenance.

Sycamore Drive, from US 25 Hendersonville Road to US 25A Sweeten Creek Road.

Sycamore Terrace, from Sycamore Drive to Peachtree Street.

Section 12: That all Ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed.

Section 13: That this Ordinance shall be in full force and effect upon adoption by the City of Asheville and the erection of signs giving notice of the authorized speed limit.

Read, approved and adopted this 23rd day of January, 2018.

Magdalen Burleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Burleson
City Clerk

ORDINANCE NO. 4642

AN ORDINANCE AMENDING CHAPTER 19, ARTICLE III, SECTION 19-83 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

Section 1: That Chapter 19, Article III, Sec. 19-83 (3)a of the Code of Ordinances of the City of Asheville (Red alone or stop) be amended to remove:

Haywood Street and Battery Park Avenue

Liberty Street and Fairview Road

Patton Avenue and Church Street

Section 2: That Chapter 19, Article III, Sec. 19-83 (3)a of the Code of Ordinances of the City of Asheville (Red alone or stop) be amended to include:

Deaverview Road and Bear Creek Road

Patton Avenue and North French Broad/South French Broad Avenue

Section 4: That all Ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed.

Section 5: That this Ordinance shall be in full force and effect upon adoption by the City of Asheville and the erection of signs giving notice of the right turn on red prohibition.

Read, approved and adopted this 23rd day of January, 2018.

Magdalen Bouleson
CITY CLERK

Esther E. Clark
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bouleson
City Clerk

426

ORDINANCE NO. 4643

ORDINANCE ESTABLISHING CONDITIONAL ZONING FOR PROPERTY LOCATED AT 153 SMOKEY PARK HIGHWAY

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statues, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this proposed amendment is consistent with the City's 2025 Comprehensive Plan and other official plans of the City, which is hereby adopted and incorporated by reference; and

WHEREAS, this proposed ordinance is determined to be reasonable and in the public interest as follows:

a. proposal supports the strategies found in the City's comprehensive plan on infill development in an area with existing infrastructure and multi-modal transportation elements;
b. the project provides open space, a larger than required landscape buffer and safe pedestrian connections to residential and institutional uses in the vicinity; and
c. the proposal updates and expands an existing retail center following new guidelines that provide more focus on the design of the site and buildings with fenestration and building placement standards.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

The zoning classification of that certain real property described in Exhibit A and identified on Buncombe County tax maps as PINs 9628-10-0202, 9628-10-2994 and 9628-10-5221 recorded in Deed Book 1116, Page 487; Book 4407, Page 895; and Book 5399, Page 1218 and currently owned by Ingles Markets Inc from Highway Business Conditional Zone Dstrict to Commercial Expansion Conditional Zone district. A copy of the official zoning map showing said lots is attached hereto as Exhibit "A" and made a part hereof. Said rezoning is subject to the conditions set out in Exhibit "B.1", and substantially complies with the site plans shown in Exhibit "C",

both attached hereto and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. The ordinances shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 5. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 23rd day of January, 2018.

Magdalen Burleson
City Clerk

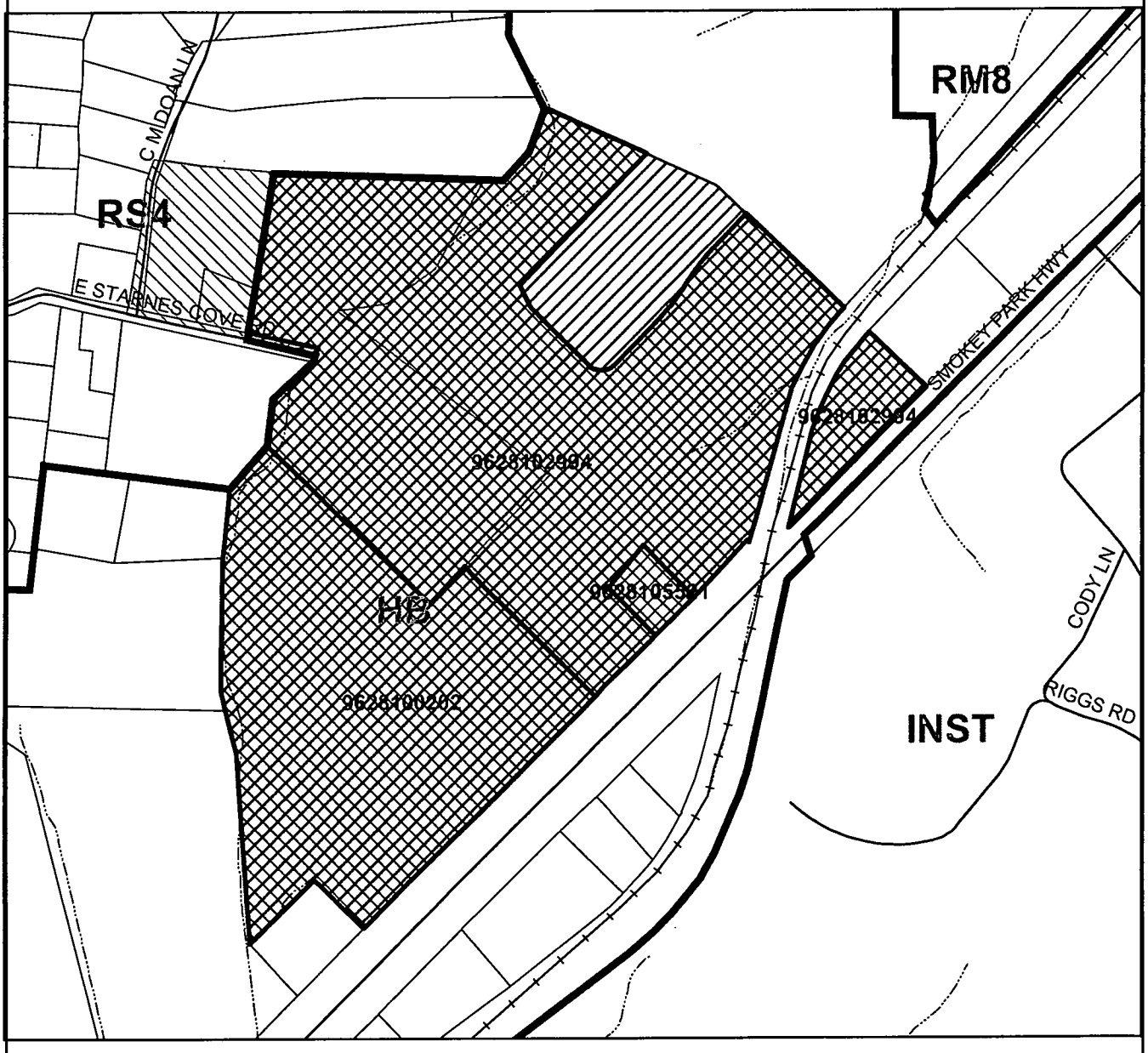
Esther E Manheimer
Mayor

Approved as to form:

City Attorney

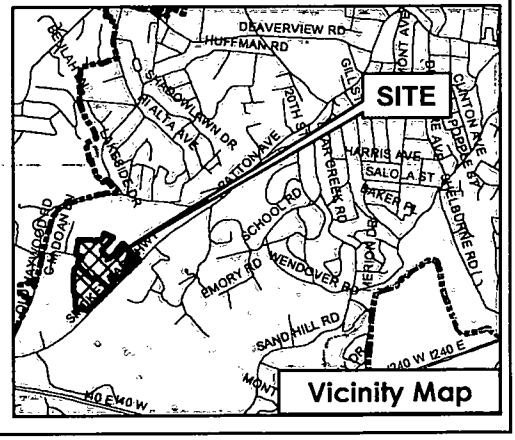
Magdalen Burleson
City Clerk

City of Asheville - Exhibit A Map
Conditional Zoning - Ingles Store no. 31



Project Name: Ingles Store no. 31
Project Number: 17 - 07641 PZ
Project Description: CZ from HB CZ to Commerical EXP CZ
Petitioner(s): Ingles Markets
Parcel ID Number(s): 9628-10-0202; -2994; -5521

Location/Address: 153 Smokey Park Highway



Project Site | Parcels | Asheville City Limits | Conditional Use Overlay
Zoning Districts | Streets | River Areas

City of Asheville Planning and Urban Design Department - September 2017

Ingles Store 31 - 153 Smokey Park Highway

Exhibit B.1 – Conditions List

1. The zoning for the site is Commercial Expansion District – Conditional Zone (COM EXP-CZ).

2. The approval is for the renovation and expansion of an existing shopping center located at 153 Smokey Park Highway and includes a total of approximately 251,493 square feet.

3. There are three outparcels for future development which will be reviewed as Level II projects as provided by the applicable UDO provisions at the time the applications for development of the respective outparcels are submitted. Development on these sites will comply with COM EXP design and operational standards, parking placement, vehicular access and drive-throughs. Uses on these outparcels are limited to those uses currently permitted in the COM-EXP district.

4. A minimum of 620 vehicular parking spaces shall be provided on the site for the uses in the locations and pursuant to the layout shown on the site plan which is incorporated herein by reference.

5. There will be two loading berths for the proposed grocery store and the existing loading berth for the existing retail spaces on the western side of the site. Each future tenant larger than 20,000 square feet will provide one additional loading berth for that business.

6. Landscaping and open space must be provided in accordance with the landscape plan which is incorporated herein by reference and which indicates that 15% of the project site is designated as open space and street buffer planting, street trees, parking lot and building impact landscaping. There must be at least two pedestrian pathways, which comply with UDO requirements, in landscaped strips through the vehicular use area as shown on the site plan incorporated herein by reference.

7. There shall be a 50 foot wide property line buffer along the border with the residentially-zoned properties to the north, as shown on the landscape plan, which is incorporated herein by reference.

8. There will be a maximum of two driveways into the site from Smokey Park Highway and one additional access point will be allowed from Lowe's Driveway as shown on the site plan which is incorporated herein by reference.

9. Sidewalks along Smokey Park Highway shall be ten feet in width at the locations indicated on the site plan which is incorporated herein by reference.

10. Crosswalks will be provided across the Lowe's Driveway at the locations and in the manner as shown on the site plan which is incorporated herein by reference.

11. A bike lane will be provided along the easternmost driveway from Smokey Park Highway, originating in the deceleration lane, as shown on the site plan, which is incorporated herein by reference.

12. A transit pad will provided along the easternmost driveway from Smokey Park Highway, adjacent to outparcel #2, for future transit connectivity, as indicated on the site plan incorporated herein by reference.

13. The existing trail connection to the Old Starnes Cove Road neighborhood (north) to the Ingles store will be maintained by the applicant/owner and the surface will be delineated with a pervious material, such as mulch or gravel.

14. The building designs shall comply with current standards in the Commercial Expansion zoning district in place at this time (attached hereto), including but not limited to the following:
    a. The entrances shall be oriented to the primary street frontage (Smokey Park Highway);
    b. Building sides shall appear similar to the fronts;
    c. A minimum of 40 percent of the ground level facing the primary street shall be fenestrated;
    d. Each tenant space shall have at least one well-defined pedestrian entrance along the primary frontage. When the distance between entrances exceeds 75 feet in length there will be design features placed along the front of the building to activate spaces occupied by larger retailers and enhance the pedestrian experience. The design features must be approved by the Planning & Urban Design Director or his designee and may include, but are not limited to, benches, outdoor patios, bike parking, etc.

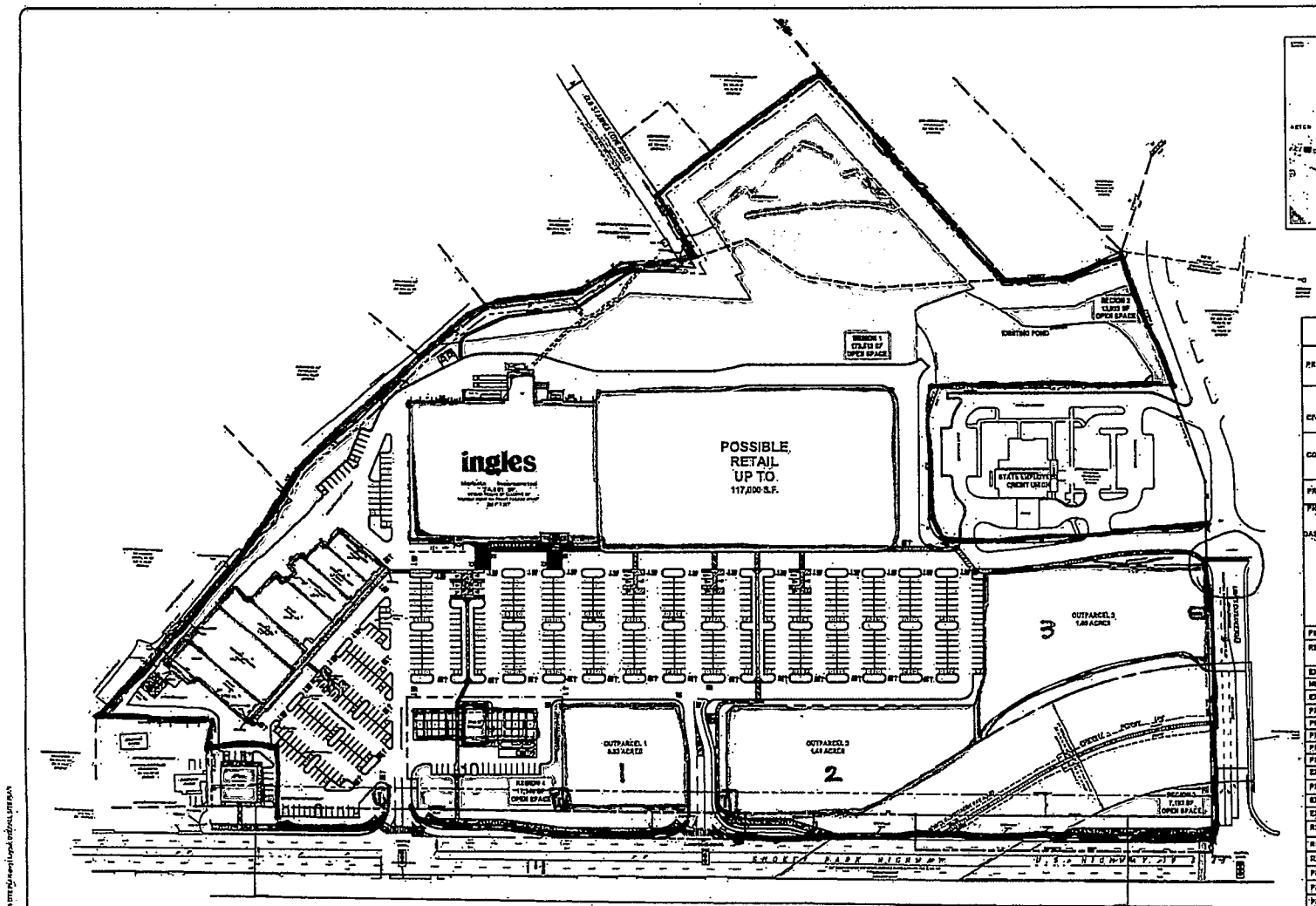
15. The signage will comply as follows:
    a. *Freestanding Signs* - A total of four freestanding signs will be allowed for the overall development, as illustrated on the signage plans, which are incorporated herein by reference. There will be one multi-tenant sign at the westernmost driveway (200 square feet maximum), one monument sign shared by the Ingles Gas Express and Outparcel 1 (62 square feet and 10 feet tall maximum), one multi-tenant sign at the easternmost driveway (200 square feet maximum) for Outparcel 2 and future tenants, and one monument sign to serve Outparcel 3 (34 square feet and six feet tall maximum). The sign designs shall substantially comply with the incorporated signage plans and renderings, which are incorporated herein by reference.
    b. *Attached Signage* - The storefront signage of the main tenant may have one square foot of signage per linear foot of building up to 5% of the total front facade square footage. Minimum sign square footage will be 20 square feet. Maximum square footage of any one single sign will not exceed 200 square feet. Each wall elevation will be allowed an additional sign to give the appearance of individual shops, as illustrated on the signage plans which are incorporated herein by reference.

c. *Gas Canopy Signage* - Gas canopy signage will be one square foot per one lineal foot of canopy, with one sign on each side of the canopy, as illustrated on the signage plan which is incorporated herein by reference.

d. *Outparcel Attached Signage* - The store frontage signage for the outparcel buildings will be one square foot of signage per linear foot of store frontage with a maximum square footage of up to 125 square feet; and the 125 square feet can be divided up into a maximum of two signs, as illustrated on the signage plans which are incorporated herein by reference.

16. The building design, site design, construction materials and orientation of the project on the property must substantially comply with the approved site plan which is incorporated herein by reference. Any major deviations from these plans will require rezoning in accordance with the applicable UDO provisions.

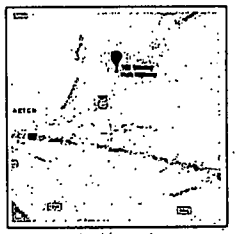
17. All legally required local, state, and federal permits and approvals must be obtained prior to initiation of construction and any pertinent legal requirements shall be met.



PROPOSED OPEN SPACE CALCULATIONS
REGION 1 173,513 SF
REGION 2 13,033 SF
REGION 3 7,192 SF
REGION 4 17,549 SF
TOTAL 211,287 SF

TOTAL SITE AREA 1,395,226 SF

PERCENT OPEN SPACE 211,287 / 1,395,226 X 100 = 15.14%



VICINITY MAP

SITE ANALYSIS

PROPERTY OWNER	INGLES MARKETS P.O. BOX 6879 ASHEVILLE, NC 28816 828-298-2941
CIVIL CONTACT	JOHN COX, P.E. LAND PLANNING ASSOCIATES OF NC, INC 110 WEST 1ST AVENUE, SUITE A EASLEY, SC 29640 864-242-6773
CONTACT PERSON	RANDY JAMESON P.O. BOX 6879 ASHEVILLE, NC 28816 828-298-2941
PROJECT NAME	INGLES #31 SMOKEY PARK HIGHWAY
PROJECT LOCATION	STORE ADDRESS: 153 SMOKEY PARK HIGHWAY ASHEVILLE, NC GAS EXPRESS ADDRESS: 147 SMOKEY PARK HIGHWAY ASHEVILLE, NC VERIZON WIRELESS RETAIL ADDRESS: 129 SMOKEY PARK HIGHWAY ASHEVILLE, NC OUTPARCEL LOT 1 RETAIL ADDRESS: 143 SMOKEY PARK HIGHWAY ASHEVILLE, NC OUTPARCEL LOT 2 RETAIL ADDRESS: 139 SMOKEY PARK HIGHWAY ASHEVILLE, NC
PIN NUMBERS	9631[illegible]232, 9631[illegible]994, 9631183331
REF. DEED AND PAGE	1714 D.B. 0783 PG. 4487 D.B. 0479 PG. 9148 P.B. 0079 PG. 8795 D.B. 1318 PG.
EXISTING ZONING	HIGHWAY BUSINESS
NEW ZONING	COMMERCIAL EXPANSION DISTRICT
EXISTING BUILDINGS	124,630 S.F. / 8.9%
PROPOSED INGLES	74,631 S.F.
PROPOSED MAJOR TENANT A	53,968 S.F.
PROPOSED MAJOR TENANT B	63,003 S.F.
PROPOSED MARKET (CANOPY & STORE)	9,308 S.F.
PROPOSED VERIZON	3,431 S.F.
EXISTING RETAIL TO REMAIN	47,360 S.F.
PROPOSED TOTAL	251,463 S.F.
EXISTING PARKING	496 SPACES
EXISTING PARKING RATIO	3.29 SPACES/ MSF*
REQUIRED PARKING RATIO	MIN = 1 SPACE / 250 S.F. MAX = 1 SPACE / 200 S.F.
REQUIRED PARKING	MIN. 710 / MAX. 1256 SPACES
REQUIRED ADA PARKING	11 Std. and 2 van
PROPOSED ADA PARKING	17 Std. and 5 van
PROPOSED PARKING	613 SPACES
PROPOSED PARKING RATIO	2.53 SPACES/ MSF*
REQUIRED BICYCLE PARKING	5% PARKING SPACES
PROPOSED BICYCLE PARKING	33
EXISTING SITE AREA	32.032 ACRES
PROPOSED SITE AREA	32.032 ACRES
FRONT SETBACK (REQUIRED)	15'
SIDE SETBACK (REQUIRED)	0'
REAR SETBACK (REQUIRED)	15'
IMPERVIOUS AREA*	833,131 SF (58.67%)
PERVIOUS AREA	553,967 SF (38.97%)
REQUIRED OPEN SPACE	15%
PROPOSED OPEN SPACE (SEE SHEET C-109)	15.1%
	* MSF = 1000 S.F.
CITY OF ASHEVILLE APPLICATION	

GRAPHIC SCALE (HORIZONTAL) 1 inch = 60.0 feet

REVISIONS:

NO.	DATE	DESCRIPTION	BY
1	10/9/17	REVISED PER THE COMMENTS	PCB

SEAL

11/6/17

CORPORATE SEAL:

LAND PLANNING ASSOCIATES

DBA
LAND PLANNING ASSOCIATES OF NC, INC.
110 WEST 1ST AVENUE • SUITE A
EASLEY, SC 29640
864.242.6773 FAX 864.730.8214
[illegible]@lpa-inc.net

ingles
Markets Incorporated
STORE #31
153 SMOKEY PARK
ASHEVILLE, NC 28806

PROPERTY INFORMATION:
TAX MAP NUMBER: 9631183832, 9631182994
REFERENCE D.B. & PG: D.B. 1714, PG. 0783
D.B. 4487, PG. 0479
PLATBOOK 0149, PG. 0079
ADDITIONAL INFO: 9631183331
D.B. 5336, PG. 1218

ISSUE FOR CONSTRUCTION:
PERMIT DATE:
BID DATE:

DRAWN BY:	PCB
DESIGN BY:	JDC
CHECKED BY:	JDC
DATE:	9/11/17
SCALE:	NONE, 1" = 50'
JOB NUMBER:	17.017

OVERALL SITE PLAN

C-109

STORE # 31
ASHEVILLE
NORTH CAROLINA

432

432-A

PLANTING SUMMARY (FOR ENTIRE SITE)

1) PROPERTY LINE BUFFER TYPE B:

- 6 EVERGREEN TREES, 3 LARGE DECID TREES, 3 SMALL DECID TREES, 6 LARGE SHRUBS, 6 SMALL SHRUBS PER 100' OF PROPERTY LINE ABUTTING THE DISSIMILAR ZONING DISTRICT

1500 LF OF PROPERTY LINE ABUTTING THE DISSIMILAR ZONING DISTRICT = 90 EVERGREEN TREES, 75 LARGE DECID TREES, 75 SMALL DECID TREES, 225 LARGE SHRUBS & 225 SMALL SHRUBS (AT LEAST 50% OF ALL SHRUBS ARE TO BE EVERGREEN).

BUFFER DEPTH INCREASED FROM 50' REQUIRED WIDTH TO 50' PROPOSED WIDTH. BUFFER PLANTINGS INCREASED TO 150% OF THE REQUIRED PLANTINGS.

- EVERGREEN TREES REQUIRED = 90
- EVERGREEN TREES PROVIDED = 135
- LARGE DECID TREES REQUIRED = 75
- LARGE DECID TREES PROVIDED = 113
- SMALL DECID TREES REQUIRED = 75
- SMALL DECID TREES PROVIDED = 113
- LARGE SHRUBS REQUIRED = 225
- LARGE SHRUBS PROVIDED = 338
- SMALL SHRUBS REQUIRED = 225
- SMALL SHRUBS PROVIDED = 338

2) STREET YARD BUFFER:

- 1 SHRUB FOR EVERY 3 LF OF VUA WITHIN 50' OF THE STREET
- 140 LF OF VUA WITHIN 50' OF THE STREET = 20 SHRUBS
- SHRUBS REQUIRED = 20
- SHRUBS PROVIDED = 20

3) STREET TREES

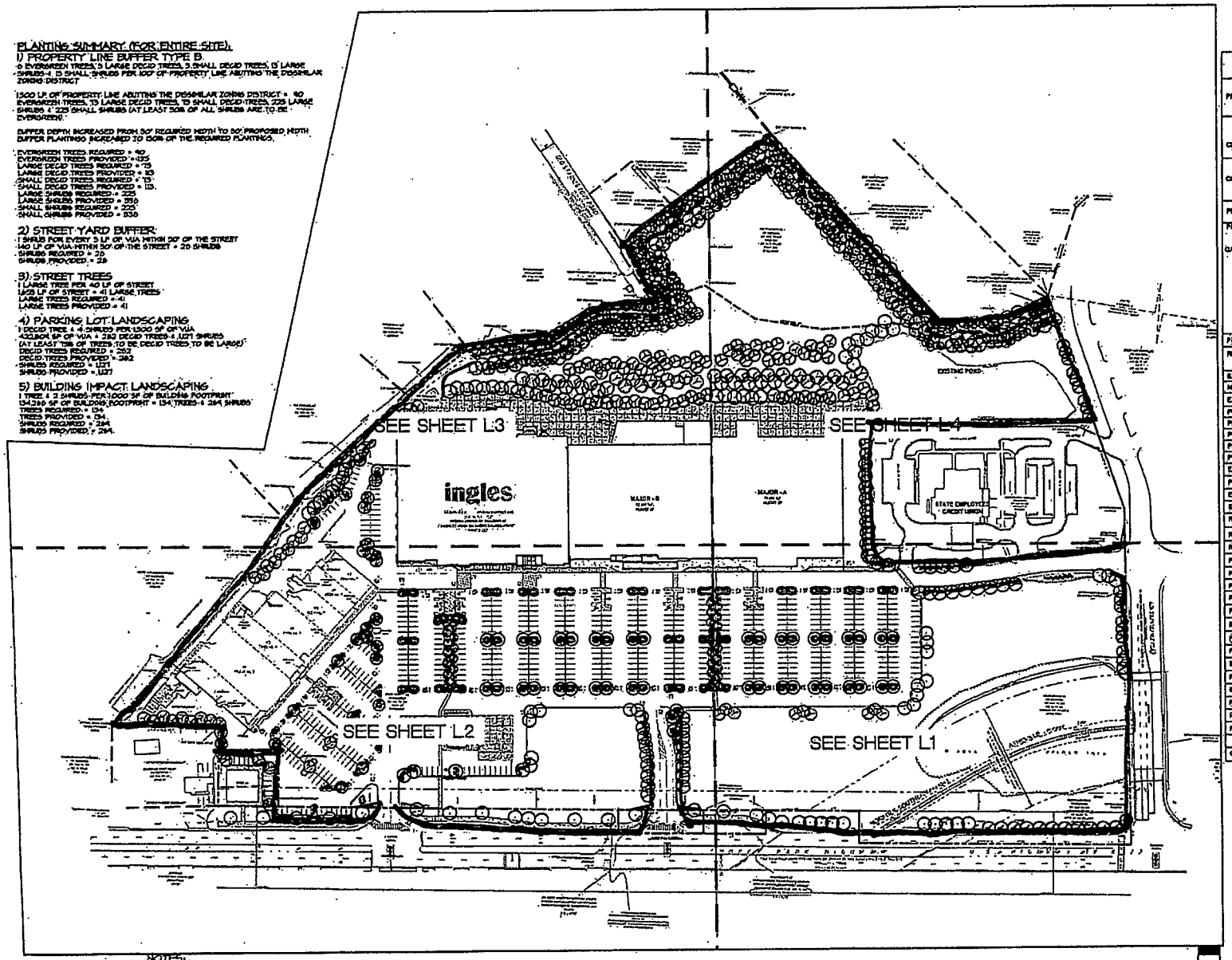
- 1 LARGE TREE PER 40 LF OF STREET
- 1428 LF OF STREET = 41 LARGE TREES
- LARGE TREES REQUIRED = 41
- LARGE TREES PROVIDED = 41

4) PARKING LOT LANDSCAPING

- 1 DECID TREE + 4 SHRUBS PER 1000 SF OF VUA
- 43,800 SF OF VUA = 280 DECID TREES & 1,021 SHRUBS (AT LEAST 75% OF TREES TO BE DECID TREES, TO BE LARGE)
- DECID TREES REQUIRED = 280
- DECID TREES PROVIDED = 280
- SHRUBS REQUIRED = 1,021
- SHRUBS PROVIDED = 1,021

5) BUILDING IMPACT LANDSCAPING

- 1 TREE & 2 SHRUBS PER 1000 SF OF BUILDING FOOTPRINT
- 134,289 SF OF BUILDING FOOTPRINT = 134 TREES & 284 SHRUBS
- TREES REQUIRED = 134
- TREES PROVIDED = 134
- SHRUBS REQUIRED = 284
- SHRUBS PROVIDED = 284



SITE ANALYSIS	
PROPERTY OWNER	INGLES MARKETS P.O. BOX 6676 ASHEVILLE, NC 28816 828-669-2941
CIVIL CONTACT	JOHN COX, P.E. LAND PLANNING ASSOCIATES OF NC, INC 119 WEST 1ST AVENUE, SUITE A EASLEY, SC 29640 864-343-9072
CONTACT PERSON	RANDY JAMESON P.O. BOX 6676 ASHEVILLE, NC 28816 828-669-2941
PROJECT NAME	INGLES #31 SMOKEY PARK HIGHWAY
PROJECT LOCATION	STORE ADDRESS: 153 SMOKEY PARK HIGHWAY, ASHEVILLE, NC GAS EXPRESS ADDRESS: 147 SMOKEY PARK HIGHWAY, ASHEVILLE, NC VERIZON WIRELESS RETAIL ADDRESS: 139 SMOKEY PARK HIGHWAY, ASHEVILLE, NC OUTPARCEL LOT 1 RETAIL ADDRESS: 143 SMOKEY PARK HIGHWAY, ASHEVILLE, NC OUTPARCEL LOT 2 RETAIL ADDRESS: 139 SMOKEY PARK HIGHWAY, ASHEVILLE, NC
PIN NUMBER(S)	9638100692, 9638100994, 9638106521
REF. DEED AND PAGE	1117 D.B. 1067 P.G. 1117 D.B. 1067 P.G. 3199 D.B. 1078 P.G. 3199 D.B. 1078 P.G.
EXISTING ZONING	HIGHWAY BUSINESS
NEW ZONING	COMMERCIAL EXPANSION DISTRICT
EXISTING BUILDINGS	134,289 S.F. / 9.8%
PROPOSED INGLES	74,451 S.F.
PROPOSED MAJOR TENANT A	53,008 S.F.
PROPOSED MAJOR TENANT B	52,880 S.F.
PROPOSED DAIRYKEE (CANOPY & STORE)	6,308 S.F.
PROPOSED VERIZON	3,431 S.F.
EXISTING RETAIL TO REMAIN	47,053 S.F.
PROPOSED TOTAL	251,480 S.F.
EXISTING PARKING	440 SPACES
EXISTING PARKING RATIO	3.20 SPACES/ MSF *
REQUIRED PARKING RATIO	MIN - 1 SPACE/ 1,550 S.F. MAX - 1 SPACE / 200 S.F.
REQUIRED PARKING	MIN. 719 / MAX. 1,258 SPACES
REQUIRED ADA PARKING	11 Std. and 2 van
PROPOSED ADA PARKING	17 Std. and 9 van
PROPOSED PARKING	638 SPACES
PROPOSED PARKING RATIO	2.53 SPACES/ MSF*
REQUIRED BICYCLE PARKING	5% PARKING SPACES
PROPOSED BICYCLE PARKING	33
EXISTING SITE AREA	32.63± ACRES
PROPOSED SITE AREA	32.63± ACRES
FRONT SETBACK (REQUIRED)	35'
SIDE SETBACK (REQUIRED)	0'
REAR SETBACK (REQUIRED)	10'
IMPERVIOUS AREA	834,131 SF (60.07%)
PERVIOUS AREA	555,867 SF (39.93%)
REQUIRED OPEN SPACE	15%
PROPOSED OPEN SPACE (SEE SHEET C-100)	15.1%
	* MSF = 1000 S.F.
CITY OF ASHEVILLE APPLICATION	

NOTES:

1. DUE TO EXISTING TREES AND VEGETATION LOCATED WITHIN PORTIONS OF REQUIRED BUFFER AREAS, THE FINAL NUMBERS AND LOCATION OF REQUIRED PLANTINGS WILL BE DETERMINED BY AN ON SITE MEETING WITH THE PROJECT LANDSCAPE ARCHITECT AND A REPRESENTATIVE FROM THE PLANNING DEPARTMENT
2. DO NOT SCALE FROM DRAWINGS
3. ALL AREAS NOT BUILT OR LANDSCAPE SHALL BE GRASSED.

NOTE:
FOR PLANT LIST SEE SHEET L1

0 40' 80' 160' 240'

SCALE: 1" = 80'

NORTH

1293 Hendersonville Road
Suite 21
Asheville, NC 28803
828-277-7410
Fax 828-277-7413

DESIGN ASSOCIATES
LANDSCAPE ARCHITECTS & LAND PLANNERS

Ingles #31
153 Smokey Park Highway
Asheville, NC 28806

Overall Landscape Plan

REVISIONS:

L0

9/13/17

170.00 Sq. Ft.

Scale: 1/4" = 1'-0" SIGN ELEVATION

Rainbow Signs, Inc. GREENWOOD, SC 864-223-6423	CUSTOMER NAME: INGLES #31	ACC. EXEC. C. Priest	JOB NO. 17-205-2	APPROVED BY CUSTOMER:	
	ADDRESS: 153 Smokey Park Highway - ASHEVILLE, NC	DESIGNER: C. Johnson	DATE: 10/10/2017 10/13/2017	DATE / /	
	SIGN TYPE Illuminated Tenant Pylon	SCALE: AS NOTED		FILE: #31 Asheville Large Tenant Pylon-2	

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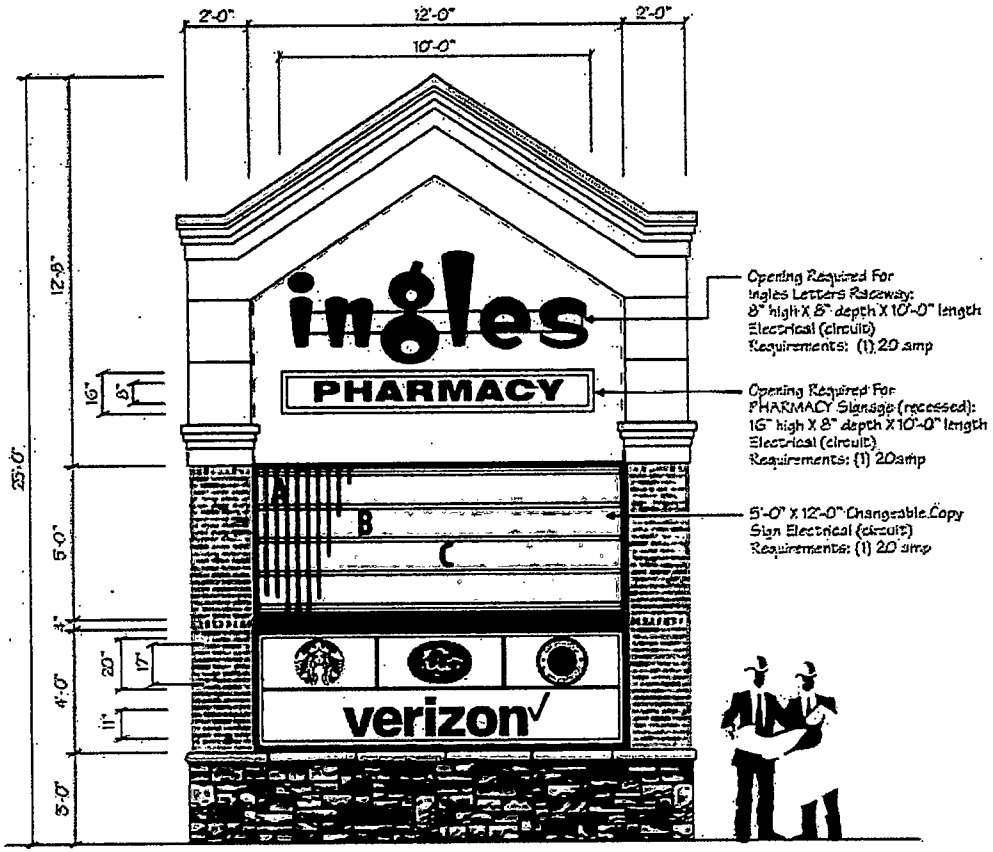
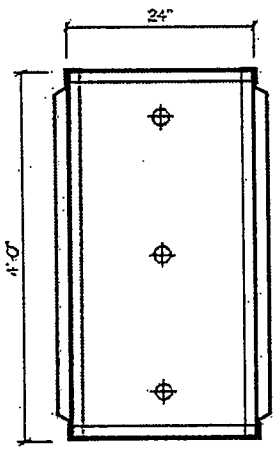
Electrical current to sign location and final connection not by Rainbow Sign Co., Inc.



Scale: 1/4" = 1'-0" SIGN ELEVATION



3 Sectional View
Scale: 3/4" = 1'-0"

SIGN SQUARE FOOTAGE
4'-0" X 6'-0" = 24 Sq. Ft.
14'-8" X 12'-0" = 176.04 Sq. Ft.
Total = 200.04 Sq. Ft.

STARBUCKS COFFEE COLORS

PMS Paint	Vinyl
PMS 3525C	Holly Green # 3630-76

ILLUMINATED STARBUCKS COFFEE
@ 4'-0"X 12'-0" = 48.00 Sq. Ft.

SPECIFICATIONS:

- A Double faced, internally illuminated pylon sign. Cabinet width to be 28". fabricated aluminum over welded steel angle iron frame. Retainers are 2" X 2" extruded aluminum.
- B Graphics Starbucks Coffee text to be 1st. Surface 3M translucent Scotchcal vinyl Holly Green #3630-76.
- C Faces are to be White Acrysteel with Green grahpics applied to surface.

THIS SIGN TO BEAR Underwriters Label | 120 VOLTS

This sign is intended to be installed in accordance with the requirements of Article 600 of the National Electrical Code and/or other applicable local codes. This includes proper grounding and bonding of the sign.

ingles

Rainbow Signs, Inc.
GREENWOOD, SC 864-223-8423

CUSTOMER NAME:	INGLES #31	ACC. EXEC.	C. Priest	JOB NO. 17-202-2	APPROVED BY CUSTOMER:
ADDRESS:	153 Smokey Park Highway - ASHEVILLE, NC	DESIGNER:	C. Johnson	DATE: 10/10/2017 10/14/2017	date ___/___/___
SIGN TYPE:	D/F Illuminated Main Pylon	SCALE:	AS NOTED		FILE: 231 Asheville Main Pylon-2

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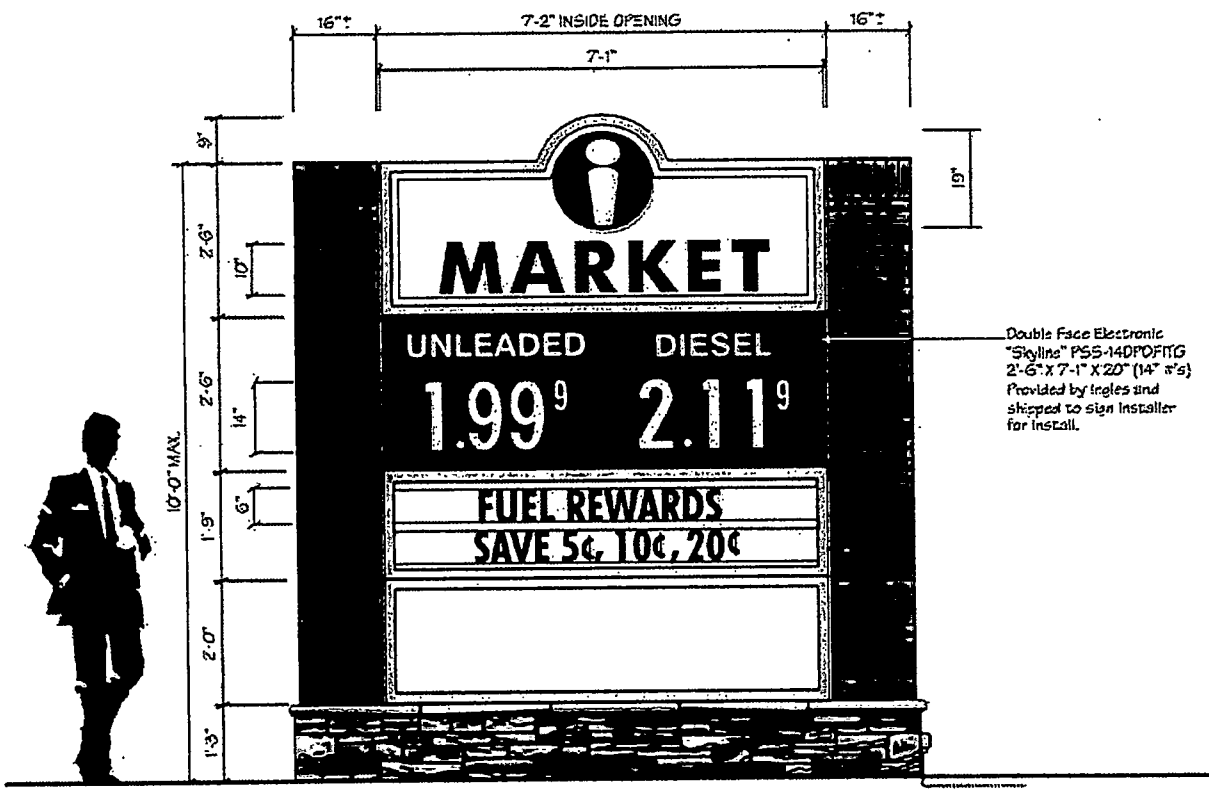
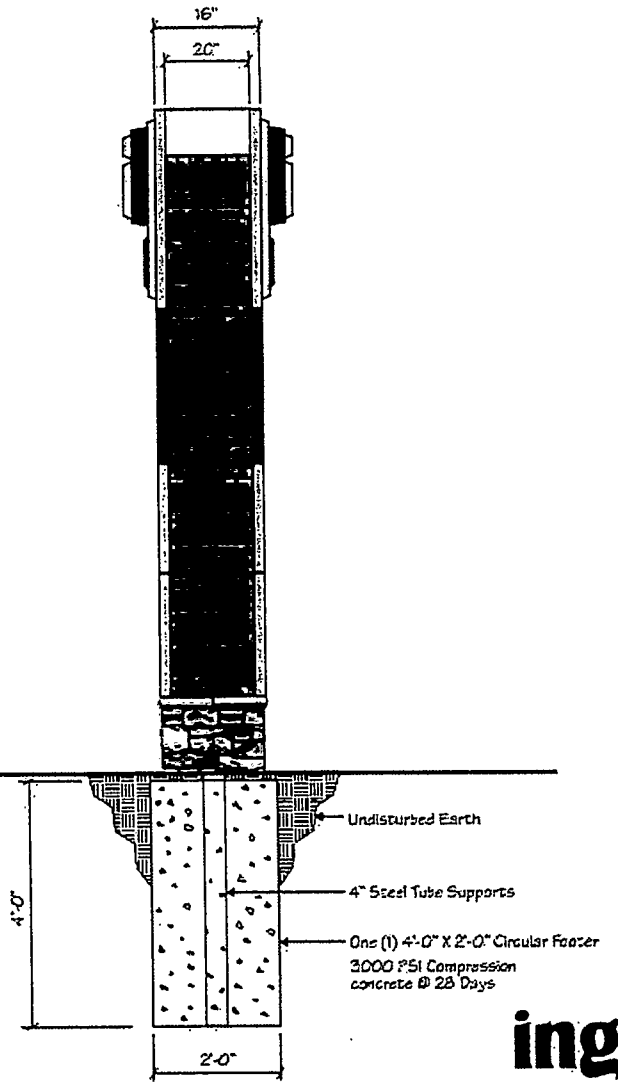
432



10'-0" Max. Height
62 Max. Sq. Ft.

Scale: 1/2" = 1'-0" SIGN ELEVATION

2'-6" X 7'-1" = 17.70
2'-6" X 7'-1" = 17.70
1'-9" X 7'-1" = 12.39
2'-0" x 7'-1" = 14.16
Total Sq. Ft. = 61.63



ingles

Rainbow Signs, Inc. GREENWOOD, SC 864-223-8423	CUSTOMER NAME: INGLES #31	ACC. EXEC. C. Pheas	JOB NO. 17-203-2	APPROVED BY CUSTOMER:	
	ADDRESS: 153 Smokey Park Highway - ASHEVILLE, NC	DESIGNER: C. Johnson	DATE: 10/10/2017 11/14/17	DATE: / /	
	SIGN TYPE: Illuminated Pylon Sign	SCALE: AS NOTED		FILE: #31 Asheville Small-i Market-2	

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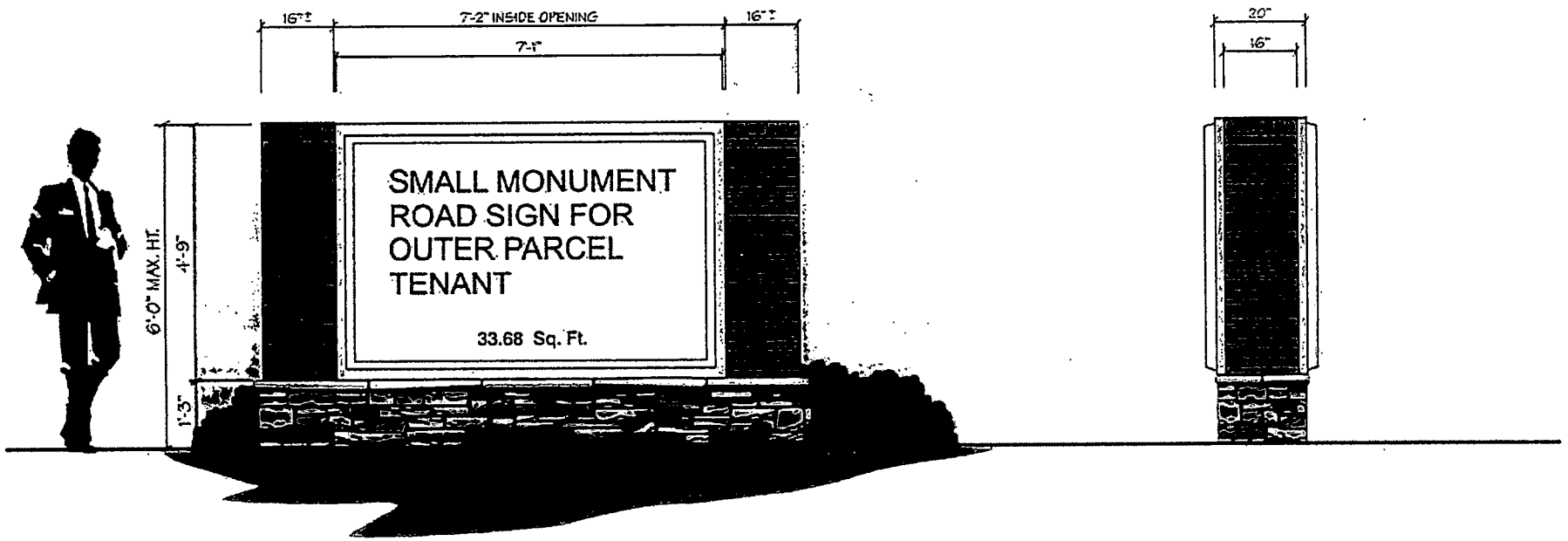
Electrical current to sign location and final connection not by Rainbow Sign Co., Inc.



Scale: 1/2" = 1'-0" **SIGN ELEVATION**

33.68 Sq. Ft.

ingles

Rainbow Signs, Inc. GREENWOOD, SC 864-223-6423	CUSTOMER NAME: INGLES #31	ACC. EXEC. C. Priest	JOB NO. 17-204-3	APPROVED BY CUSTOMER:
	ADDRESS: 153 Smokey Park Highway - ASHEVILLE, NC (Located on Lowe's Road)	DESIGNER: C. Johnson	DATE: 10/10/2017 10/13/2017 11/14/2017	DATE: / /
	SIGN TYPE: Illuminated Tenant Pylon	SCALE: AS NOTED		FILE: #31 Asheville Small Tenant Pylon-3

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Electrical current to sign location and final connection not by Rainbow Sign Co., Inc.

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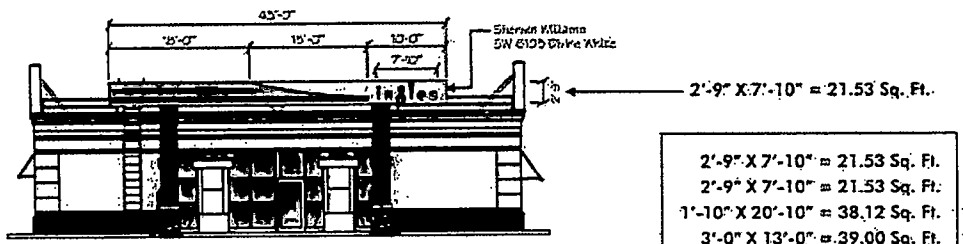
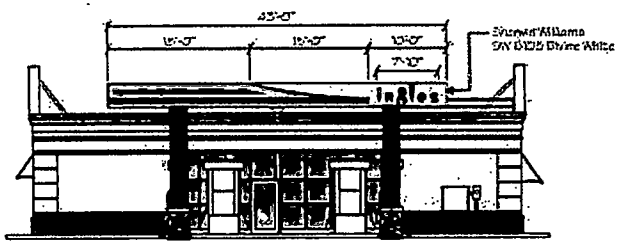
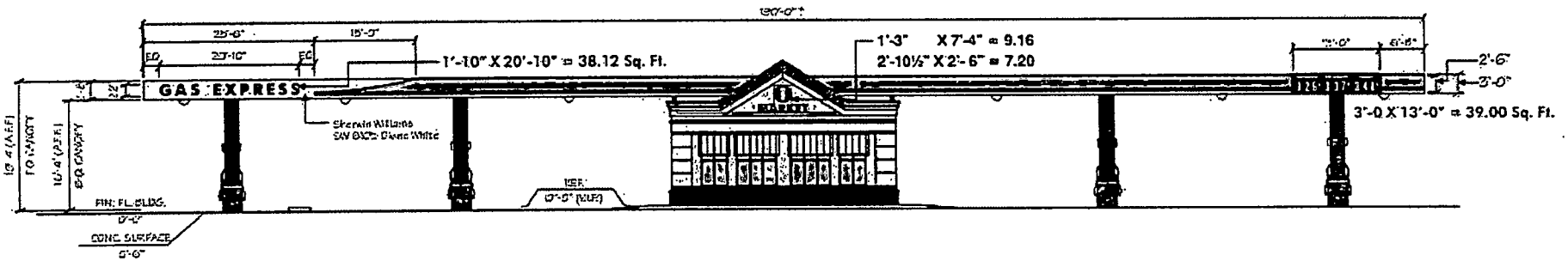
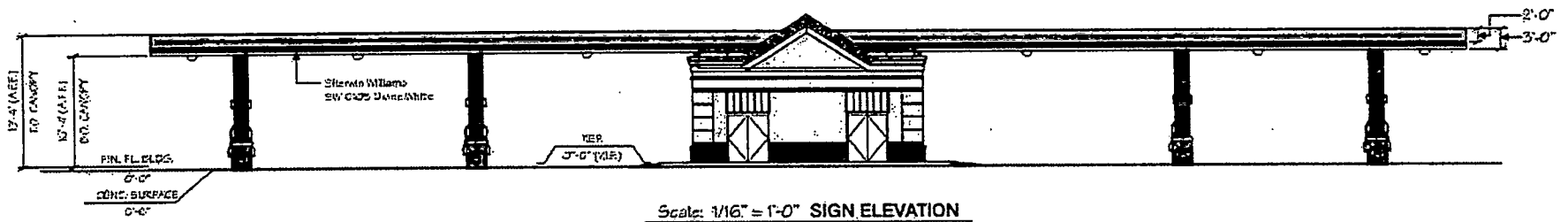
F





2'-9" X 7'-10" =	21.53 Sq. Ft.
2'-9" X 7'-10" =	21.53 Sq. Ft.
1'-10" X 20'-10" =	38.12 Sq. Ft.
3'-0" X 13'-0" =	39.00 Sq. Ft.
1'-3" X 7'-4" =	9.16 Sq. Ft.
2'-10½" X 2'-6" =	7.20 Sq. Ft.
Total Sq. Ft. =	136.54 Sq. Ft.





Scale: 1/16" = 1'-0" SIGN ELEVATION

Rainbow Signs, Inc. GREENWOOD, SC 864-223-8423	CUSTOMER NAME: INGLES (Store #31)	ACC. EXEC. C. Frost	JOB NO. 17-16-3	APPROVED BY CUSTOMER:
	ADDRESS: 153 Smokey Park Hwy. - Asheville, NC	DESIGNER: C. Johnson	DATE: 11/27/2017	DATE: / /
	SIGN TYPE Canopy Elevation Plan View	SCALE: AS NOTED		FILE: #31 Asheville 4 Pump Canopy-3

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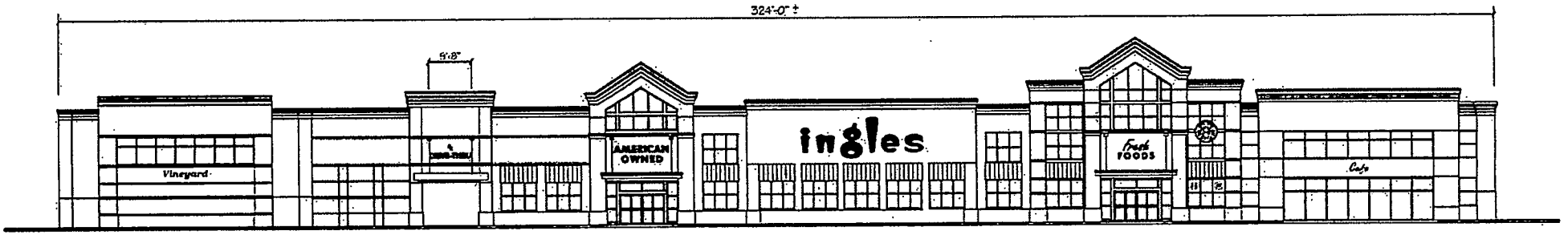
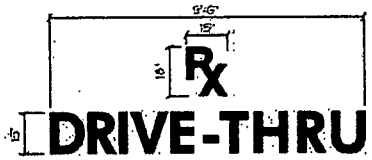
Electrical current to sign location and final connection not by Rainbow Sign Co., Inc.

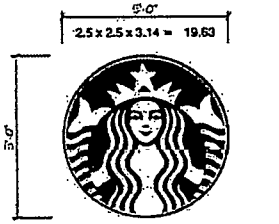


Scale: 1/16" = 1'-0" SIGN ELEVATION



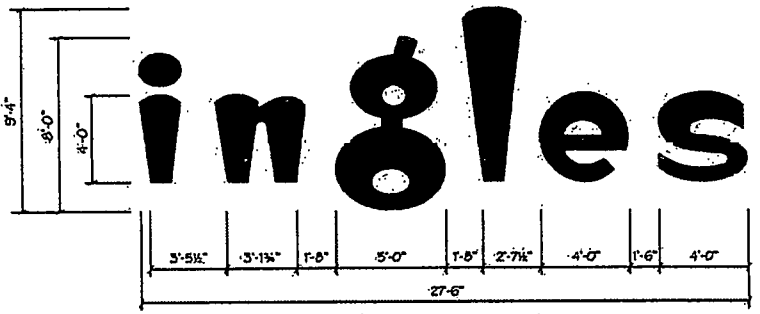
Scale: 3/8" = 1'-0" SIGN ELEVATION

SIGN SQUARE FOOTAGE		
STARBUCKS	@ 1'-2" X 9'-0" =	19.63
AMERICAN OWNED	@ 3'-8" X 12'-0" =	45.00
"INGLES"	@ 8'-4" X 27'-6" =	256.58
FRESH FOODS.	@ 4'-7" X 8'-0" =	36.64
VINEYARD	@ 2'-0" 10'-4" =	20.69
RX.	@ 1'-8" X 1'-3" =	1.69
DRIVE-THRU	@ 1'-3" X 9'-6" =	11.88
CAFE	@ 2'-0" x 4'-0" =	8.00
	TOTAL =	400.27



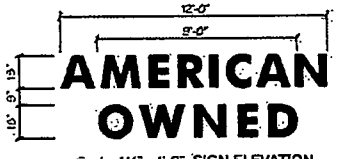
Scale: 3/8" = 1'-0" SIGN ELEVATION

Note: Sign to be installed outside of store



INTERNALLY ILLUMINATED

Scale: 1/4" = 1'-0" SIGN ELEVATION

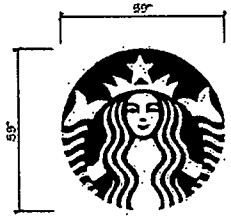


Scale: 1/4" = 1'-0" SIGN ELEVATION

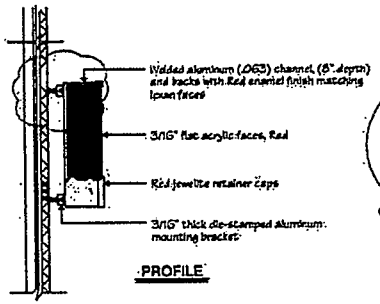
Scale: 1/4" = 1'-0" SIGN ELEVATION

Note: Signs to be installed inside of store

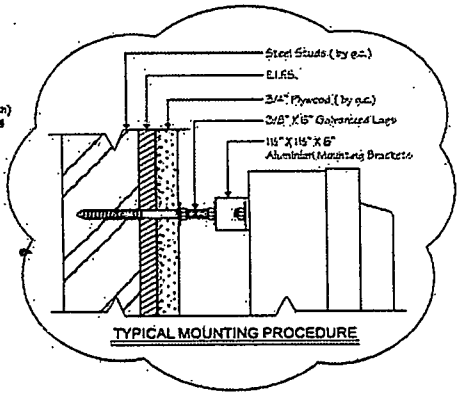
Scale: 3/4" = 1'-0" SIGN ELEVATION



Scale: 3/8" = 1'-0" SIGN ELEVATION



PROFILE



TYPICAL MOUNTING PROCEDURE

Scale: 3/8" = 1'-0" SIGN ELEVATION

Scale: 3/8" = 1'-0" SIGN ELEVATION

Rainbow Signs, Inc. GREENWOOD, SC 864-223-8471	CUSTOMER NAME: INGLES (Store #31)	ACC. EXEC. C. Fowler	JOB NO. 17-15-2	APPROVED BY CUSTOMER:
	ADDRESS: 153 Smokey Park Hwy. - Asheville, NC	DESIGNER: C. Jennings	DATE: 03/24/17 03/27/17	DATE: / /
	SIGN TYPE: Illuminated Letters	SCALE: AS NOTED		FILE: #31 Asheville Bldg Front-2

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Electrical connect to sign location and final connection not by Rainbow Sign Co., Inc.

ingles

Markets Incorporated

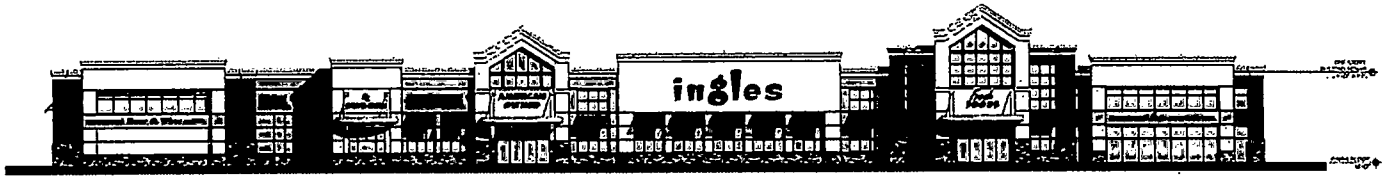
STORE #31 ASHEVILLE, NC

DEVELOPMENT BLOCK

PROJECT NAME & ADDRESS:	INGLES STORE #31 183 SMOKEY PARK HIGHWAY ASHEVILLE, NC 28806	
PROPERTY OWNER AND DEVELOPER:	INGLES MARKETS INCORPORATED PO BOX 6676 ASHEVILLE, NC 28816	RANDY JAMESON TEL: (828) 669-2941
CONTACT AND CIVIL DESIGNER:	LAND PLANNING ASSOCIATES 110 WEST 1ST AVENUE SUITE A EASLEY, SC 29640	JOHN COX TEL: (864) 242-8672
PIN/S: 9979180302, 9638102984, 9638103321		
ZONING DISTRICT – HIGHWAY BUSINESS – COMMERCIAL EXPANSION DISTRICT		
PROPOSED STORE=74,631 SF, BUILDING HEIGHT=MAIL AREA, EXT. FEATURE=42' AFF, INSIDE ROOF DECK HEIGHT AT FRONT WALL=23' AFF (MAX. HEIGHT ALLOWED = 80')		

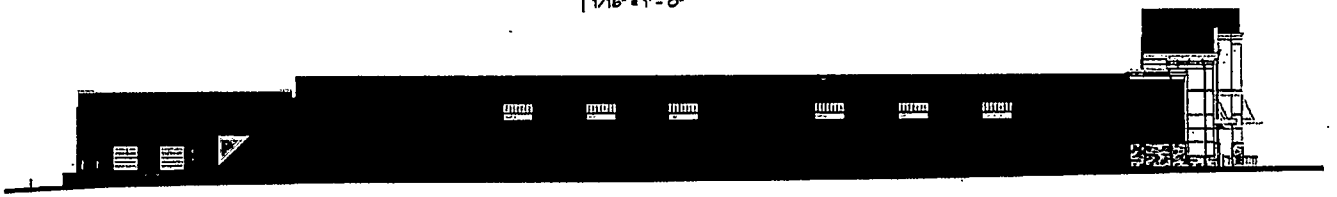
MATERIAL LEGEND

- BRICK VENEER
- EIFS - WALL TREATMENT: COLOR "MANOR WHITE", TEXTURE SAND FINE
- EIFS - CORNICE TREATMENT: COLOR "DIRITE WHITE", TEXTURE SAND FINE
- PRE-FINISHED METAL & ALUMINUM COLOR "ASH GRAY" AND PAINTED METAL & ALUMINUM TO MATCH
- PAINTED CONCRETE BLOCK
- LOW-E GLAZING
- CULTURED STONE - BASE: COLOR "CARAMEL" COUNTRY LIMESTONE & WATERTABLE: COLOR "CAMPFIRE"

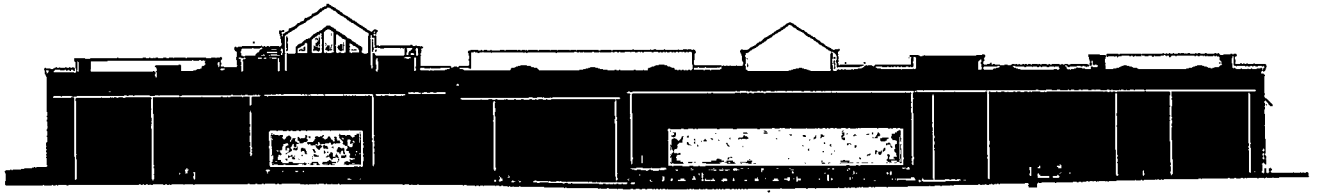


FRONT ELEVATION
1/16" = 1' - 0"

RIGHT ELEVATION
1/16" = 1' - 0"



LEFT ELEVATION
1/16" = 1' - 0"



REAR ELEVATION
1/16" = 1' - 0"

PREPARED BY:

ROBERTSON LOIA ROOF
ARCHITECTS & ENGINEERS

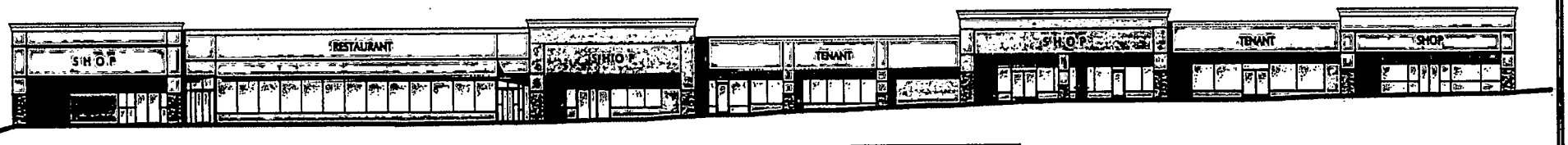
3400 Preston Ridge Road, Suite 275, Alpharetta, Georgia 30005
770-674-2000 – Fax 770-270-0748

432-H

ingles

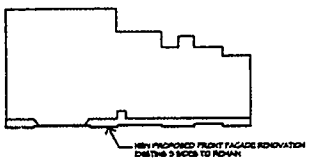
Markets Incorporated

EXISTING SHOPS FRONT FACADE RENOVATION



PROPOSED FRONT FACADE RENOVATION

SCALE: 1/8"=1'-0"



KEY PLAN

SCALE: NTS

DEVELOPMENT BLOCK

MATERIAL LEGEND

- PAINTED BRICK VENEER
- EFS - WALL TREATMENT; COLOR "MANOR PINTE", TEXTURE SAND FINE
- EFS - CORNICE TREATMENT; COLOR "BRITE PINTE", TEXTURE SAND FINE
- PREFINISHED METAL & ALUMINUM COLOR "ASH GRAY" AND PAINTED METAL & ALUMINUM TO MATCH
- PAINTED CONCRETE BLOCK
- LIGHTLY TINTED GLAZING

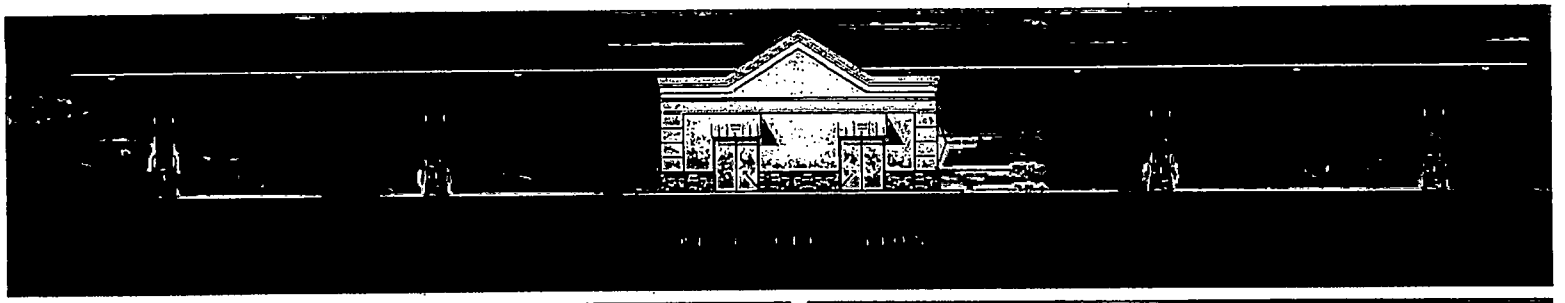
PREPARED BY:

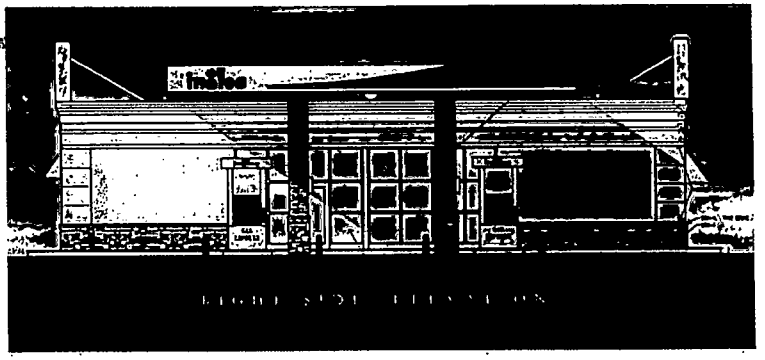
ROBERTSON LOIA ROOF

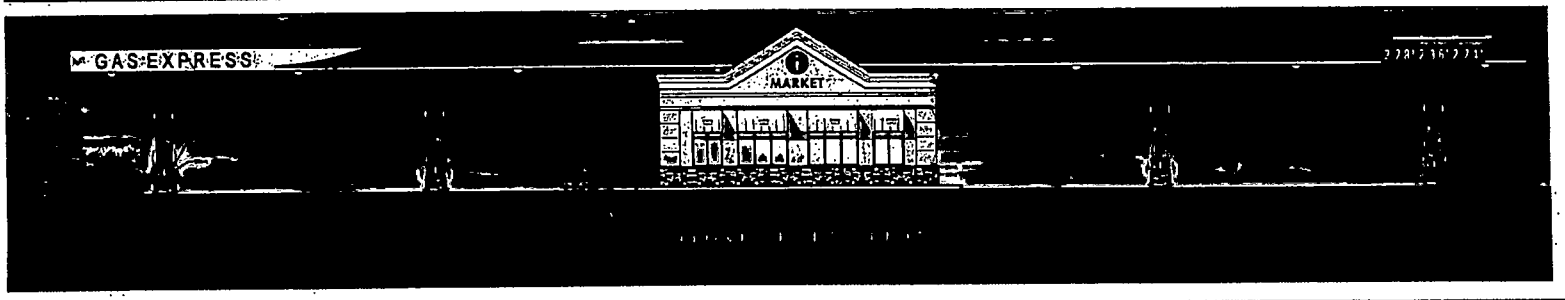
ARCHITECTS & ENGINEERS

432-I

432-J







EXTERIOR FINISHES SCHEDULE	
SYM.	DESCRIPTION
STN-1	BORAL – DRY STACKED COUNTRY LEDGESTONE: COLOR: "CARAMEL" W/ GRAY MORTAR. BORAL CULTURED TRIM STONE – "CHAMPAGNE"
EIFS-1	EXTERIOR INSULATED FINISH SYSTEM–FINESTONE COLOR: #FS-108 "MANOR WHITE" FINISH: PEBBLETEX "LIMESTONE" FLOAT
EIFS-2	EXTERIOR INSULATED FINISH SYSTEM–FINESTONE COLOR: #1 "MAX WHITE" FINISH: PEBBLETEX "LIMESTONE" FLOAT
IG-1	GLAZING SYSTEM 1" INSULATED, LOW E–CLEAR GLASS, INGLES TO TINT
ES-1	STANDARD SMOOTH–FACE CMU AND MORTAR; DURON. SPECIAL MIX "GEORGIA PUTTY", FLAT
ES-2	ALUM. COPINGS, GUTTERS, DOWNSPOUTS, LOUVERS; STEEL LADDER, DOORS AND FRAMES, GUARD RAILS. PAINT – INGLES GRAY
SSR-1	METAL ROOF PANELS, GRAVEL STOPS, COPING, GUTTERS, FLASHING, ARMRICS. COLOR: INGLES GRAY
AS-1	ALUM. SOFFIT: COLOR – WHITE

LITTLE

Ingles I-Market #31
153 Smokey Park Hwy., Asheville, NC 28806

11.15.17

Building Size: 2260 sf (1-story)
Pin Numbers: 9629110202 & 9629110594 & 9629103531
Zoning Under: Conditional Expansion District

Property Owner:
Ingles Markets, Inc. - 828-669-2941
1560 US Hwy 70 E, Black Mountain, NC 28016

Contact Person:
Nicole Holtacher - 704-561-3234
5815 Westpark Drive, Charlotte, NC 28217

ORDINANCE NO. 4644

ORDINANCE AMENDING ZONING FOR PROPERTY LOCATED AT 655 BREVARD ROAD

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this proposed amendment is consistent with the City's 2025 Comprehensive Plan, Smart Growth policies, and other official plans of the City, and is determined to be reasonable and in the public interest for the following reason:

a. Assigns compatible zoning designations consistent with the surrounding neighborhood,
b. Removes the Ordinance attached to the property providing more flexibility for future growth and development, and
c. Returns a portion of the property to the original zoning designation.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

The zoning classification of that certain real properties described in Exhibit A and identified on Buncombe County tax maps as PIN 9627-92-8836, recorded in Deed Book 5549, Page 128; and currently owned by Callison Real Estate Holdings, LLC from Office – Conditional Use Zone (OFF-CUZ) to Office (OFF) and for PIN 9627-92-8939, recorded in Deed Book 2249, Page 148; and currently owned by David P. Davis and Janna E. Gower from Office - Conditional Use Zone (OFF-CUZ) to Residential Single-family High Density (RS8) . A copy of the official zoning map showing said lot is attached hereto as Exhibit "A" and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed, to the extent of such conflict.

Section 5. The ordinances shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 6. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 23rd of January, 2018.

Magdalen Boulleson
City Clerk

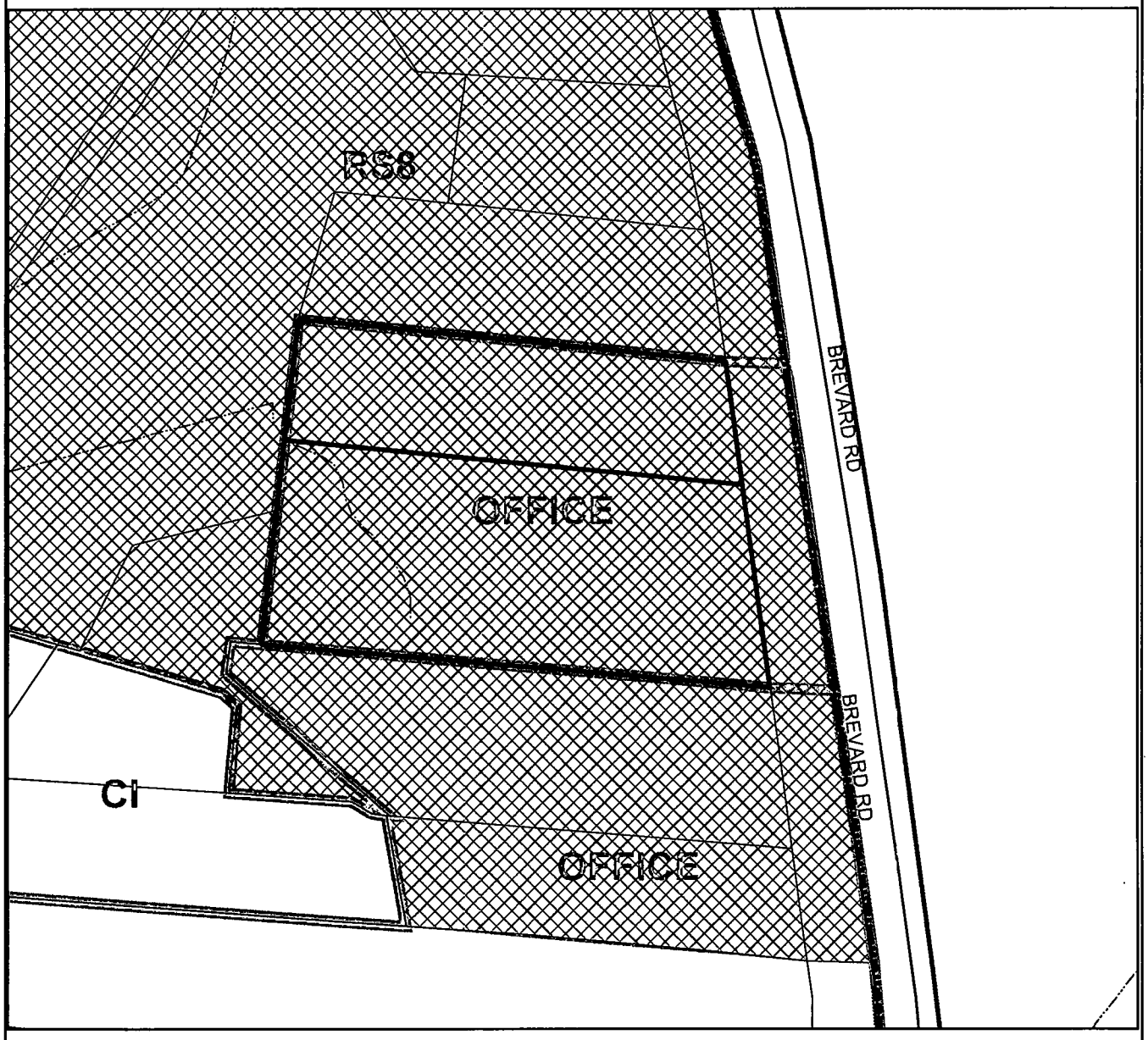
Mayor

Approved as to form:

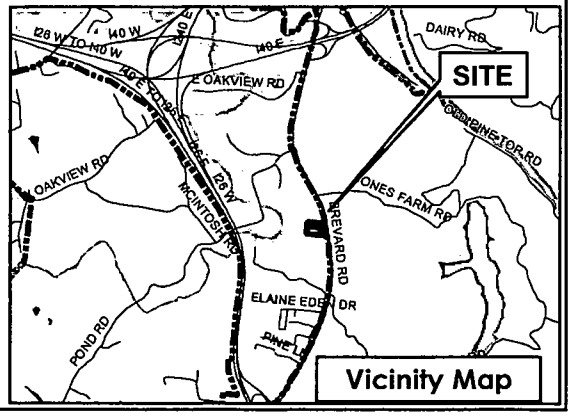
City Attorney

Magdalen Boulleson

City of Asheville - Exhibit A Map
Rezoning - 655 Brevard Rd. (Two Tracts)



Project Name:	655 Brevard Rd.
Project Number:	17 - 08923 PZ
Project Description:	Rezoning
Petitioner(s):	Janna Gower
Parcel ID Number(s):	9627-92-8939; 8836
Location/Address:	655 Brevard Rd.



Project Site
Parcels
Zoning Districts
Asheville City Limits
Streets
Streams

City of Asheville Planning and Development Department - March 2016

436

ORDINANCE NO. 4645

ORDINANCE AMENDING ZONING FOR PROPERTY LOCATED AT 99999 DEAVER STREET

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this proposed amendment is consistent with the City's 2025 Comprehensive Plan, Smart Growth policies, and other official plans of the City, and is determined to be reasonable and in the public interest for the following reason:

a. Enhanced opportunities for community-scaled development, and
b. Buffering requirements are in place to protect residential areas.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

The zoning classification of that certain real properties described in Exhibit A and identified on Buncombe County tax maps as PIN 9638-74-1740, recorded in Deed Book 5412, Page 0145; and currently owned by Barwick & Associates, LLC from Residential Multi-Family Medium Density (RM-8) zone to Haywood Road Traditional (HR-4) zone. A copy of the official zoning map showing said lot is attached hereto as Exhibit "A" and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it

would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed, to the extent of such conflict.

Section 5. The ordinances shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 6. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 23rd of January, 2018.

Magdalen Bouleson
City Clerk

Esther E Manheimer
Mayor

Approved as to form:

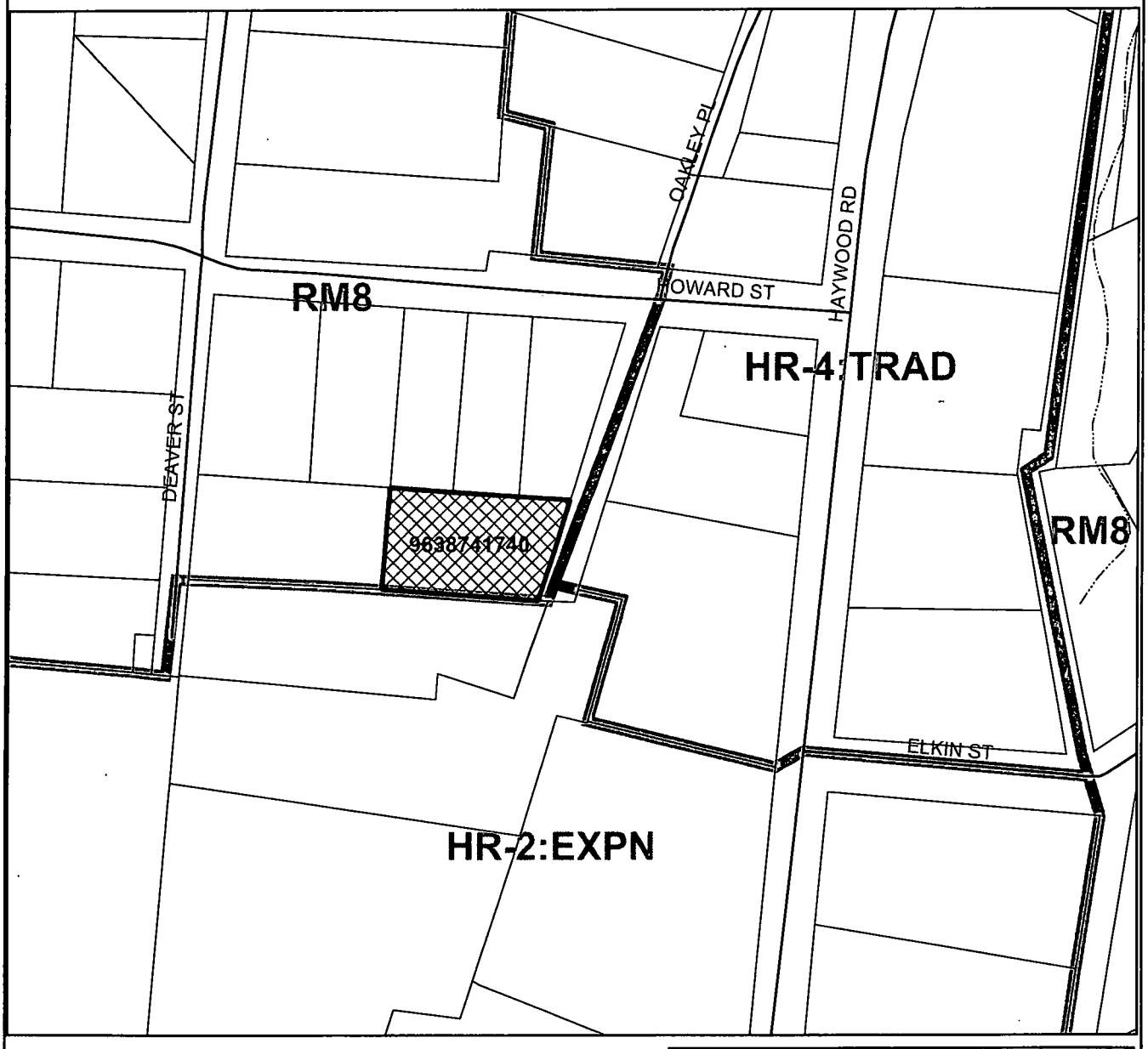
City Attorney

Magdalen Bouleson
City Clerk

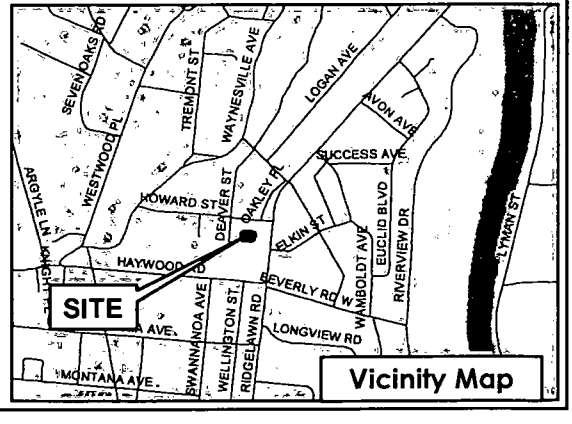
City of Asheville - Exhibit A Map
Rezoning - 99999 Deaver Rd.

ASHEVILLE

N W E S



Project Name:	99999 Deaver Rd. Rezoning
Project Number:	17 - 09520 PZ
Project Description:	Rezoning
Petitioner(s):	Suzanne Goodsey (agent)
Parcel ID Number(s):	9638-74-1740
Location/Address:	99999 Deaver Rd.



Project Site
Parcels
Zoning Districts
Asheville City Limits
Streets
Streams

City of Asheville Planning and Development Department - December 2016

ORDINANCE NO. 4646

ORDINANCE ESTABLISHING CONDITIONAL ZONING FOR PROPERTY LOCATED AT 390 AIRPORT ROAD

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this proposed amendment is consistent with the City's 2025 Comprehensive Plan, Smart Growth policies, and other official plans of the City and is determined to be to be reasonable and in the public interest for the following reasons:

a) The project is located in a well-established commercial area;

b) The project increases pedestrian connectivity; and

c) A new shelter will be built at an existing ART stop on Airport Road, improving infrastructure for the transit system.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

The zoning classification of the crosshatched portion of that certain real property described in Exhibit A and identified on Buncombe County tax maps as PIN 9643.76-7154, recorded in Deed Book 3947, Page 0124 and currently owned by Rockwood Road LLC from Highway Business (HB) to Lodging Expansion Conditional Zoning District (LODG EXP-CZ), with the remainder of that parcel remaining Highway Business (HB). A copy of the official zoning map showing said lots is attached hereto as Exhibit "A" and made a part hereof. Said rezoning is subject to the conditions set out in Exhibit "B.1", and substantially complies with the site plans shown in Exhibit "C", both attached hereto and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. The ordinances shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 5. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 23rd day of January, 2018.

Magdalen Burleson
City Clerk

Esther Ellen
Mayor

Approved as to form:

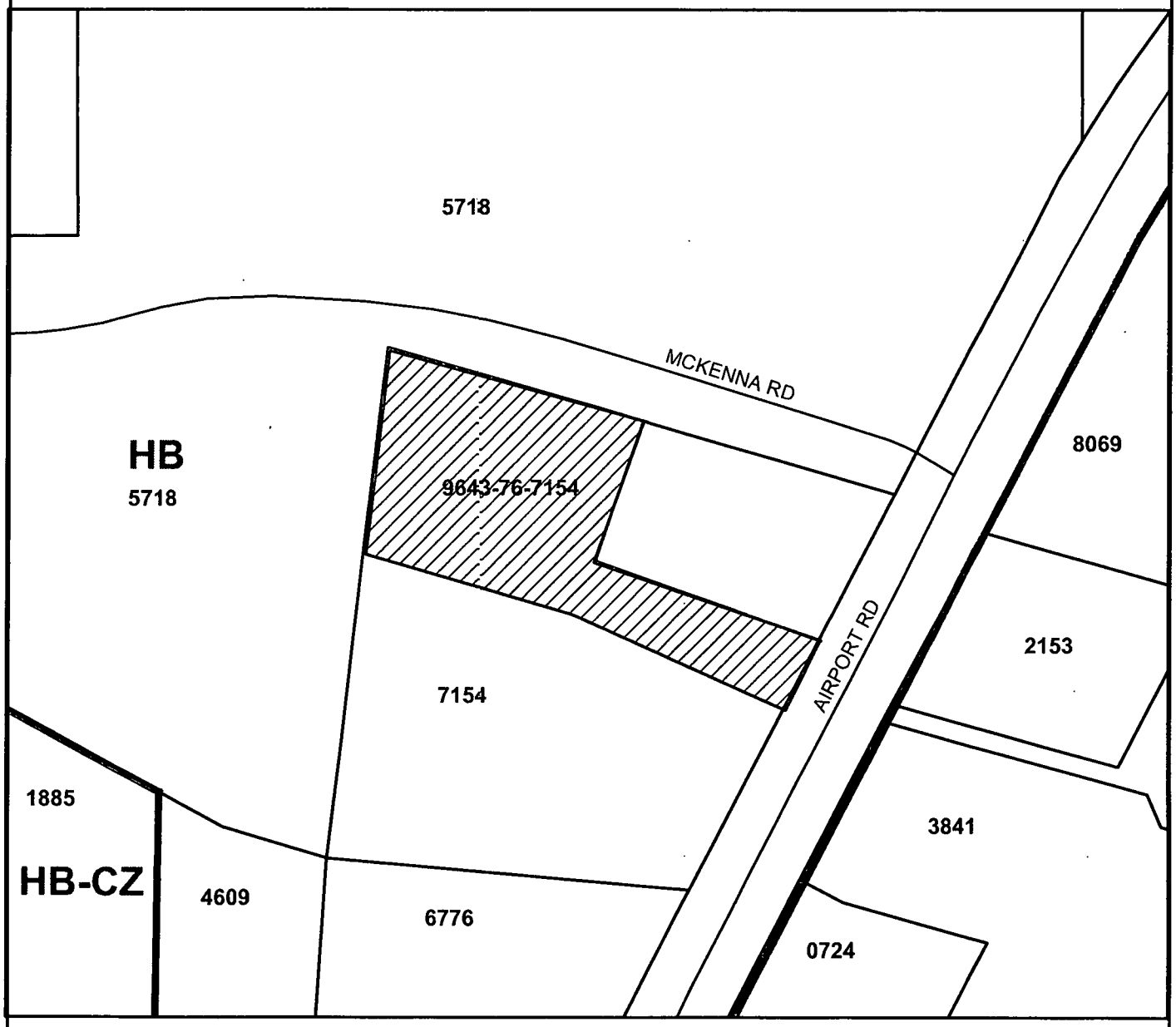
City Attorney

Magdalen Burleson
City Clerk

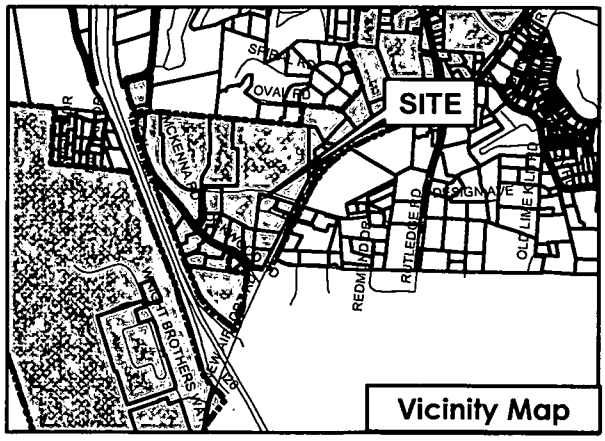
City of Asheville - Exhibit A Map
Conditional Zoning Review
Airport Road Hotel - 390 Airport Road

ASHEVILLE

N W E S



Project Name: Airport Rd Hotel
Project Number: 17-08807 PZ
Project Description: 112-room hotel
Petitioner(s): Jay Alexander
Parcel ID Number(s): 9648-48-2593
Location/Address: 390 Airport Road



Project Site
Parcels
Zoning Districts
Asheville City Limits
Streets
Streams

City of Asheville Planning and Urban Design Department - December 2017

Airport Road Hotel
Exhibit B.1 – Conditions List

1. The zoning for the property is Lodging Expansion – Conditional Zone (LODG EXP-CZ)

2. The approval is for a new five-story hotel with a maximum of 112 guest rooms and not more than 106 parking spaces.

3. The hotel will be built on a new parcel, consisting of 1.84 acres, which will be subdivided from the parent tract (3.93 acres), PIN 9643-76-7154, as indicated on the Exhibit A map and site plan which are attached hereto and incorporated herein by reference. The remainder of the parcel will continue to be zoned Highway Business.

4. A new five-foot (5'-0") pedestrian sidewalk shall be constructed from the building along the southern property line to Airport Road to provide connectivity. Connectivity will also be provided to the adjacent building and tract to the south (currently an Olive Garden restaurant) by means of a striped crosswalk. A four-foot (4'-0") bike path shall be constructed from the building through the proposed parking lot (marked path) and open space (paved path) to provide connectivity at the street. All of these features shall be as indicated on the approved site plan, which is incorporated herein by reference.

5. A standard transit shelter will be constructed by the applicant at a location to be determined with the Asheville Transportation Department.

6. There must be at least 12,023 square feet (15% of project site) of open space, with landscape features as indicated on the approved site plan, which is incorporated herein by reference.

7. Landscaping will meet the requirements of the UDO and includes building impact landscaping, vehicular use area landscaping, and dumpster screening as indicated on the approved landscape plan, which is incorporated herein by reference.

8. Signage shall be limited to a single free-standing joint identification sign with a maximum height of 25 feet tall and 200 square feet in size.

9. The height shall be five stories or less as approved by the Federal Aviation Administration (FAA) per the requirements of Section 7-10-6 of the UDO.

10. The building design, with the exception of height as outlined in #9 above, site design, construction materials, and orientation on site must substantially comply with the approved site plan, which is incorporated herein by reference. Any major deviations from these plans will require a rezoning by the City Council.

11. All legally required local, state, and federal permits and approvals must be obtained prior to initiation of construction and any pertinent legal requirements shall be met.

12. The hotel owner/operator/developer will provide commercially reasonable transportation for paying guests during reasonable hours (i.e. 4 p.m. to 10 p.m.) to reasonable locations (i.e. the Airport, downtown and Sierra Nevada) as demand dictates.

13. The hotel owner/operator/developer will provide bus passes and maps for Asheville Regional Transport (ART) for paying guests and employees as reasonably requested during normal hours of operation of the bus system.

14. The hotel owner/operator/developer will contact utility providers, including but not limited to Duke Energy Progress, and obtain information on available energy efficiency and renewable energy options in construction and operations before obtaining a certificate of occupancy.

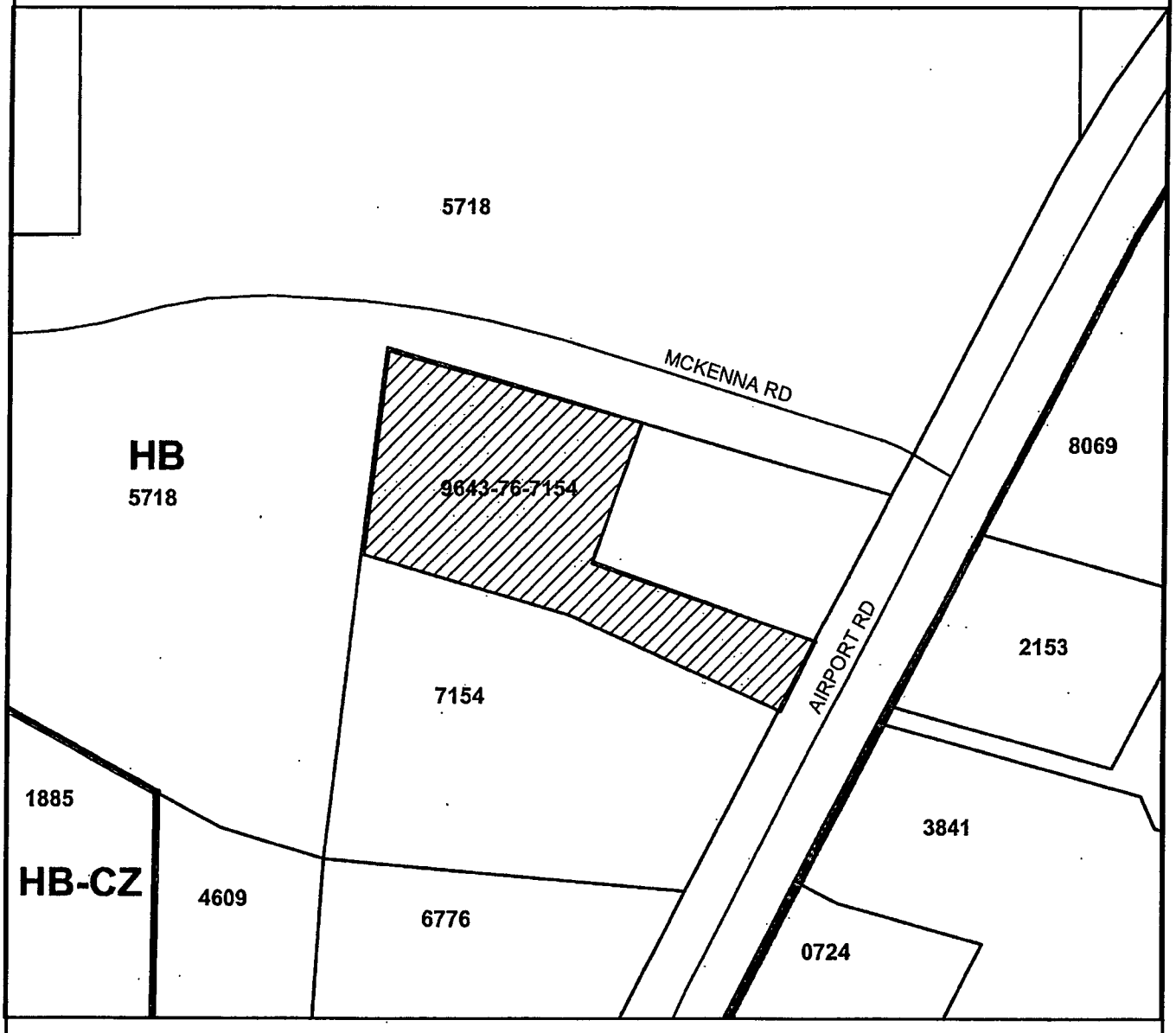
15. As long at the hotel is a Hilton brand, the hotel will participate in energy and resource conservation initiatives offered by Hilton.

Exhibit A to B1 Conditions
pg 1 of 4

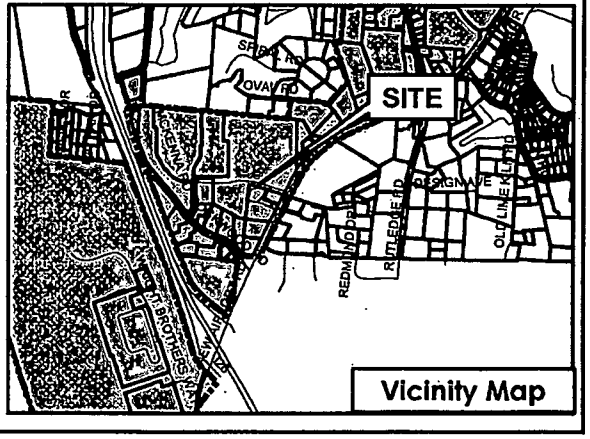
City of Asheville - Exhibit A Map
Conditional Zoning Review
Airport Road Hotel - 390 Airport Road

ASHEVILLE

N W E S



Project Name:	Airport Rd Hotel
Project Number:	17-08807 PZ
Project Description:	112-room hotel
Petitioner(s):	Jay Alexander
Parcel ID Number(s):	9648-48-2593
Location/Address:	390 Airport Road



Project Site
Parcels
Zoning Districts
Asheville City Limits
Streets
Streams

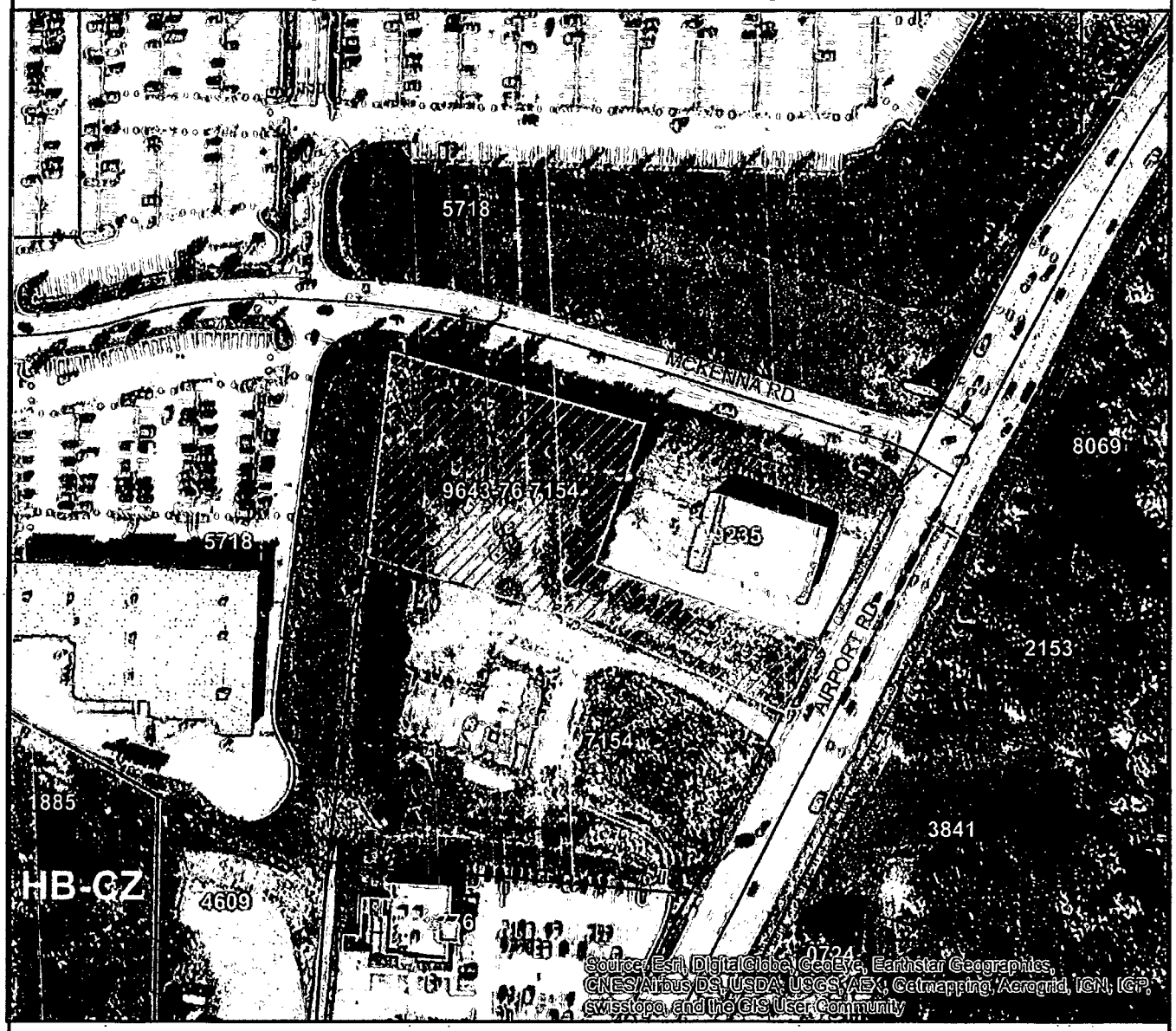
City of Asheville Planning and Urban Design Department - December 2017

B.1 Conditions pg 2 of 4

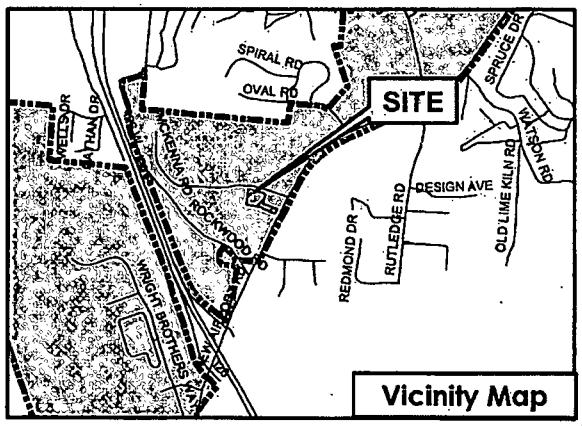
City of Asheville - Exhibit B Map
Conditional Zoning Review
Airport Road Hotel - 390 Airport Road

ASHEVILLE

N W E S

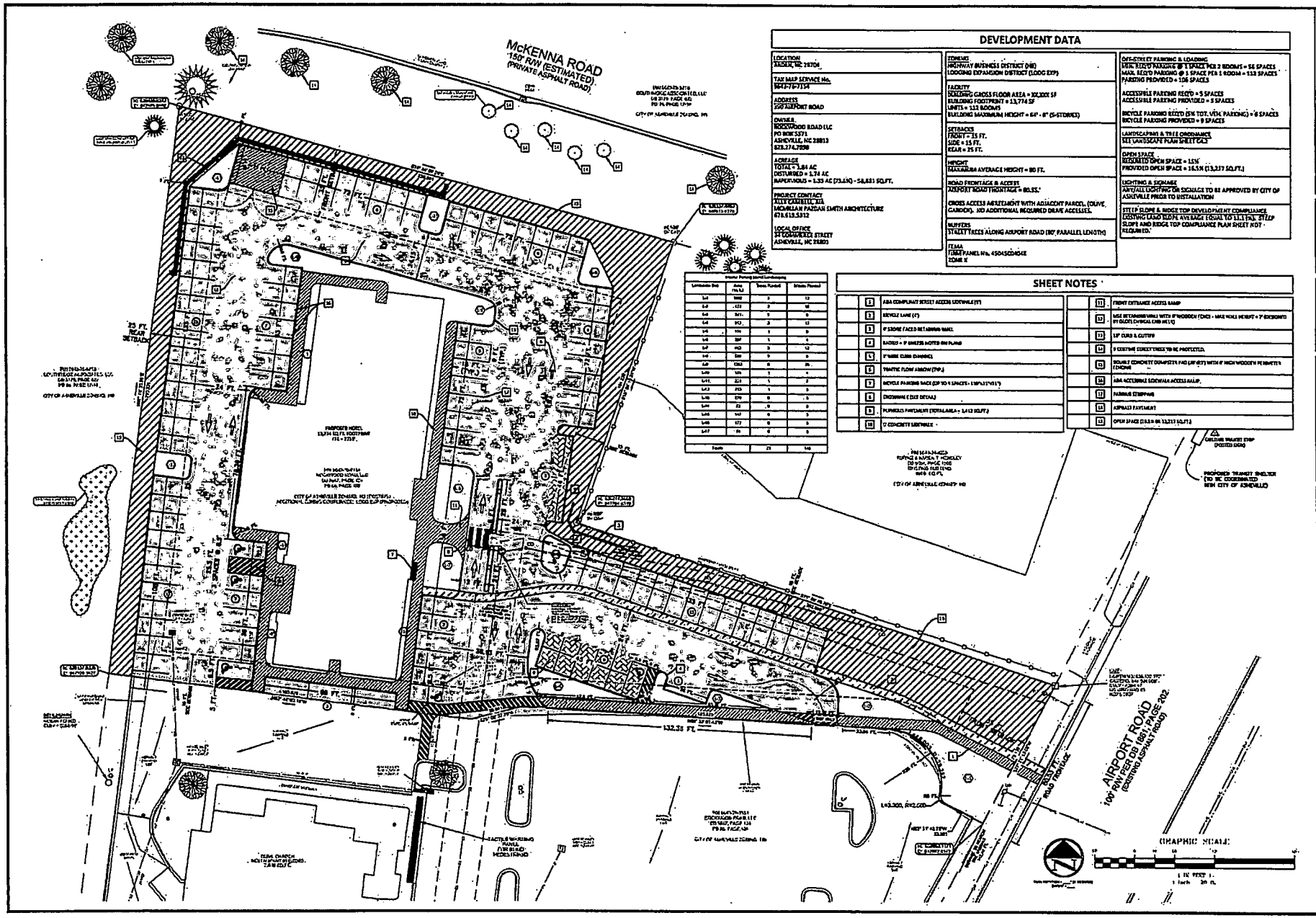


Project Name:	Airport Rd Hotel
Project Number:	17-08807 PZ
Project Description:	112-room hotel
Petitioner(s):	Jay Alexander
Parcel ID Number(s):	9648-48-2593
Location/Address:	390 Airport Road



Project Site
Parcels
Zoning Districts
Asheville City Limits
Streets
Streams

City of Asheville Planning and Urban Design Department - December 2017



DEVELOPMENT DATA

LOCATION
ARDEN, NC 28704

TAX MAP SERVICE No.
9643-76-7154

ADDRESS
250 AIRPORT ROAD

OWNER
ROCKWOOD ROAD LLC
PO BOX 5571
ASHEVILLE, NC 28813
828.274.7898

ACREAGE
TOTAL = 1.84 AC
DISTURBED = 1.74 AC
IMPERVIOUS = 1.35 AC (73,150) - 58,881 SQ.FT.

PROJECT CONTACT
ALEX CAMBELL, AIA
MCMILLAN PAZDAN SMITH ARCHITECTURE
678.619.5312

LOCAL OFFICE
24 COMMERCE STREET
ASHEVILLE, NC 28801

ZONING
HIGHWAY BUSINESS DISTRICT (HB)
LODGING EXPANSION DISTRICT (LODG EXP)

FACILITY
BUILDING GROSS FLOOR AREA = 101,XXX SF
BUILDING FOOTPRINT = 13,774 SF
UNITS = 112 ROOMS
BUILDING MAXIMUM HEIGHT = 64' - 8" (5-STORIES)

SETBACKS
FRONT = 15 FT.
SIDE = 15 FT.
REAR = 25 FT.

HEIGHT
MAXIMUM AVERAGE HEIGHT = 80 FT.

ROAD FRONTAGE & ACCESS
AIRPORT ROAD FRONTAGE = 80.55'

CROSS ACCESS AGREEMENT WITH ADJACENT PARCEL (OLIVE GARDEN). NO ADDITIONAL REQUIRED DRIVE ACCESSES.

BUFFERS
STREET TREES ALONG AIRPORT ROAD (80' PARALLEL LENGTH)

FEMA
FIRM PANEL No. 4504SC0404E
ZONE X

OFF-STREET PARKING & LOADING
MIN. REQ'D PARKING @ 1 SPACE PER 2 ROOMS = 56 SPACES
MAX. REQ'D PARKING @ 1 SPACE PER 1 ROOM = 112 SPACES
PARKING PROVIDED = 106 SPACES

ACCESSIBLE PARKING REQ'D = 5 SPACES
ACCESSIBLE PARKING PROVIDED = 5 SPACES

BICYCLE PARKING REQ'D (5% TOT. VEH. PARKING) = 6 SPACES
BICYCLE PARKING PROVIDED = 9 SPACES

LANDSCAPING & TREE ORDINANCE
SEE LANDSCAPE PLAN SHEET C4.2

OPEN SPACE
REQUIRED OPEN SPACE = 15%
PROVIDED OPEN SPACE = 16.5% (13,217 SQ.FT.)

LIGHTING & SIGNAGE
ANY/ALL LIGHTING OR SIGNAGE TO BE APPROVED BY CITY OF ASHEVILLE PRIOR TO INSTALLATION

STEEP SLOPE & RIDGE TOP DEVELOPMENT COMPLIANCE
EXISTING LAND SLOPE AVERAGE EQUAL TO 11.1 (%). STEEP SLOPE AND RIDGE TOP COMPLIANCE PLAN SHEET NOT REQUIRED.

SHEET NOTES

1	ABA COMPLIANT STREET ACCESS SIDEWALK (5')
2	BICYCLE LANE (4')
3	4' STONE FACED RETAINING WALL
4	RADIUS = 9' UNLESS NOTED ON PLANS
5	5' WIDE CURB CHANNEL
6	TRAFFIC FLOW ARROW (TYP.)
7	BICYCLE PARKING RACK (OF 10 4 SPACES - 1'10"x11'x11")
8	CROSSWALK (SEE DETAIL)
9	PERVIOUS PAVEMENT (TOTAL AREA = 1,412 SQ.FT.)
10	12' CONCRETE SIDEWALK
11	FRONT ENTRANCE ACCESS RAMP
12	MSE RETAINING WALL WITH 8' WOODEN FENCE - MAX WALL HEIGHT = 7' (EXISTING BY GLOVE CHANGE END WALL)
13	12" CURB & GUTTER
14	9 EXISTING STREET TREES TO BE PROTECTED
15	DOUBLE CONCRETE DUMPSTER PAD (30'x12') WITH 8' HIGH WOODEN PERIMETER FENCING
16	ABA ACCESSIBLE SIDEWALK ACCESS RAMP
17	PARKING STRIPPING
18	ASPHALT PAVEMENT
19	OPEN SPACE (13,217 SQ.FT.)

NO.	DATE	REVISION
A	01/08/19	CITY COUNCIL REVISION

NORTH CAROLINA CAD, PLLC NO. P-0587 CORPORATE SEAL

SOUTH CAROLINA MICROFORM CAD, PLLC NO. 18543 JAMES DAVID WOOD EXPIRES SEAL

CCAD ENGINEERING
Greenville | Charleston
803 Esquire Crest Drive
Greenville, SC 29615
864.250.9999 | 1.866.216.2008
www.ccadengineering.com

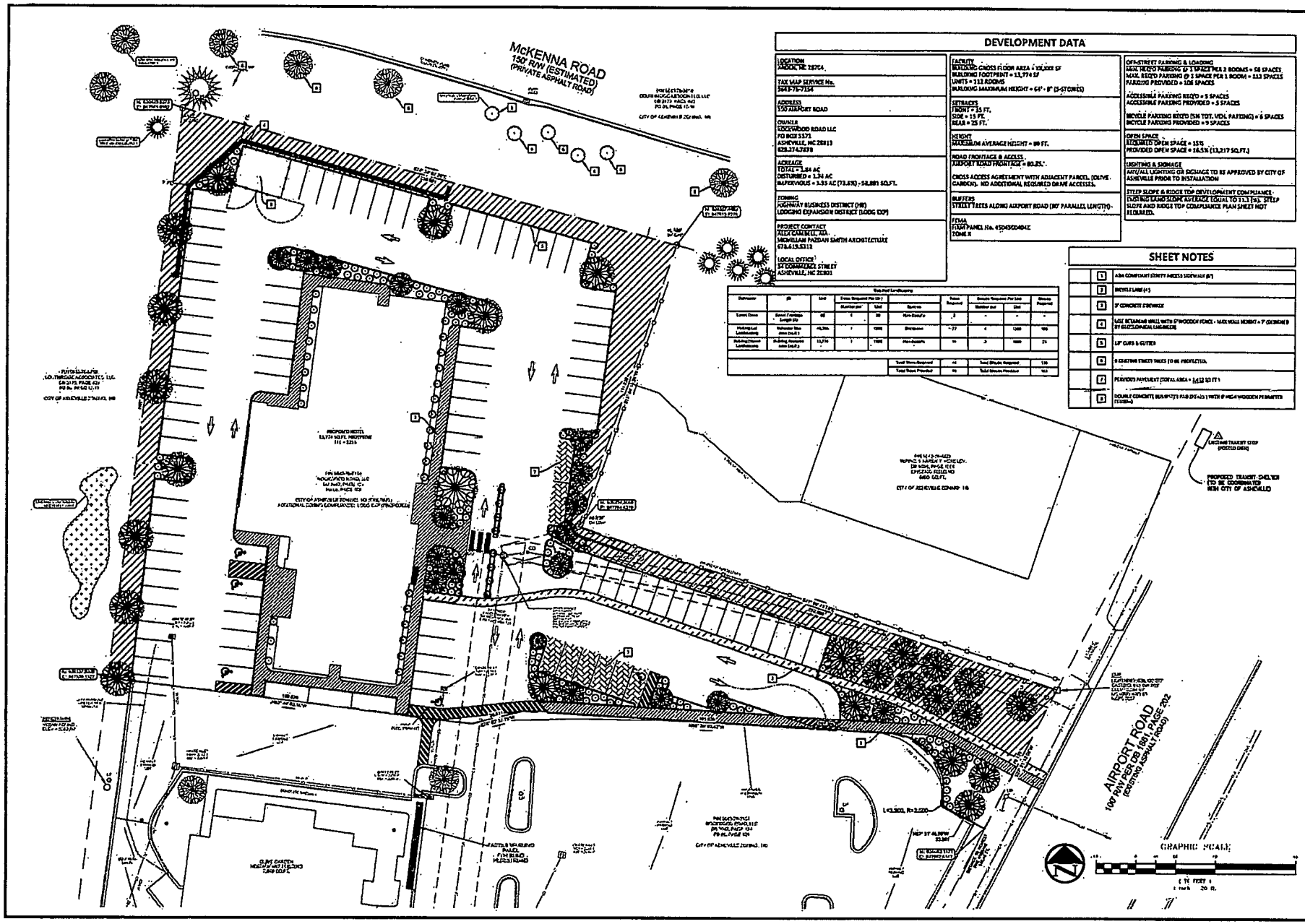
Airport Road Hotel
Site Development Plans
Arden, North Carolina

Site Layout, Materials and Zoning Plan

DATE: 01/08/2019
SCALE: 1" = 20'
DRAWN: BH
CHECKED: JM
PROJECT #: CC0097C

C4.01

B.1 Conditions Pg 3 of 4



DEVELOPMENT DATA

LOCATION
ASHEVILLE, NC 28704

TAX MAP SERVICE No.
9643-76-7154

ADDRESS
550 AIRPORT ROAD

OWNER
RIDGEWOOD ROAD LLC
PO BOX 5171
ASHEVILLE, NC 28813
828.274.7878

ACREAGE
TOTAL = 1.84 AC
DISTURBED = 1.34 AC
IMPERVIOUS = 3.35 AC (73,876) - 58,881 SQ.FT.

ZONING
HIGHWAY BUSINESS DISTRICT (HB)
LODGING EXPANSION DISTRICT (LODG EXP)

PROJECT CONTACT
ALEX CAMMELL, AIA
MCWILLIAM PAZDAN SMITH ARCHITECTURE
678.615.5313

LOCAL OFFICE
57 COURANTOWN STREET
ASHEVILLE, NC 28801

FACILITY
BUILDING GROSS FLOOR AREA = 101,005 SF
BUILDING FOOTPRINT = 13,774 SF
UNITS = 112 ROOMS
BUILDING MAXIMUM HEIGHT = 64' - 8" (5-STORIES)

SETBACKS
FRONT = 35 FT.
SIDE = 15 FT.
REAR = 25 FT.

HEIGHT
MAXIMUM AVERAGE HEIGHT = 89 FT.

ROAD FRONTAGE & ACCESS
AIRPORT ROAD FRONTAGE = 80.25'.

CROSS ACCESS AGREEMENT WITH ADJACENT PARCEL (OLIVE GARDEN). NO ADDITIONAL REQUIRED DRIVE ACCESSES.

BUFFERS
STREET TREES ALONG AIRPORT ROAD (80' PARALLEL LENGTH).

FEMA
FIRM PANEL No. 4504930404E
ZONE X

OFF-STREET PARKING & LOADING
MAX REQ'D PARKING @ 1 SPACE PER 2 ROOMS = 56 SPACES
MAX REQ'D PARKING @ 1 SPACE PER 1 ROOM = 112 SPACES
PARKING PROVIDED = 108 SPACES

ACCESSIBLE PARKING REQ'D = 5 SPACES
ACCESSIBLE PARKING PROVIDED = 5 SPACES

BICYCLE PARKING REQ'D (5% TOT. VEH. PARKING) = 6 SPACES
BICYCLE PARKING PROVIDED = 9 SPACES

OPEN SPACE
REQUIRED OPEN SPACE = 15%
PROVIDED OPEN SPACE = 16.5% (13,217 SQ.FT.)

LIGHTING & SIGNAGE
ANY/ALL LIGHTING OR SIGNAGE TO BE APPROVED BY CITY OF ASHEVILLE PRIOR TO INSTALLATION

STEEP SLOPE & RIDGE TOP DEVELOPMENT COMPLIANCE
EXISTING LAND SLOPE AVERAGE EQUAL TO 11.1 (%). STEEP SLOPE AND RIDGE TOP COMPLIANCE PLAN SHEET NOT REQUIRED.

SHEET NOTES

1	ADA COMPLIANT STREET CROSS SIDEWALK (8')
2	BICYCLE LANE (4')
3	5' CONCRETE SIDEWALK
4	MAX RETAINING WALL WITH 6' WOODEN FENCE - MAX WALL HEIGHT = 7' (DESIGNED BY GEOTECHNICAL ENGINEER)
5	18" CURB & GUTTER
6	6 EXISTING STREET TREES (TO BE PROTECTED)
7	PERVIOUS PAVEMENT (TOTAL AREA = 1,412 SQ.FT.)
8	DOUBLE CONCRETE HEADER (2'x12") PAD (8'x12') WITH 6' HIGH WOODEN PICKETS FENCE

Dimensions	qty	Unit	Trees Required Per Site		Shrubs Required Per Site		Trees Provided	Shrubs Provided Per Site		Shrubs Provided
			Number per	Unit				Number per	Unit	
Street Trees	Street Frontage Length (ft)	80	4	20	Non-Specific		3	-	-	-
Parking Lot Landscaping	Vehicular Use Area (sq.ft.)	49,306	1	1000	Shrubs/sq.ft.		77	4	1000	308
Building Foundation Landscaping	Building Footprint Area (sq.ft.)	13,774	1	1000	Non-Specific		14	3	1000	21
					Total Shrubs Required	44	Total Shrubs Provided	329		
					Total Trees Required	46	Total Shrubs Provided	329		

NO.	DATE	REVISION
4	07/08/13	CITY COMMENTS SUBMITTAL

NORTH CAROLINA PROFESSIONAL ENGINEER SEAL — CCAD, PLLC — NC P-0871 — CORPORATE SEAL

NORTH CAROLINA PROFESSIONAL ENGINEER SEAL — ENGINEER SEAL

CCAD ENGINEERING
Greenville | Charleston
801 Pecan Court Drive
Greenville, NC 27834
866.365.9999 | 252.756.2008
www.ccadengineering.com

Airport Road Hotel
Site Development Plans
Arden, North Carolina

PROJ. TITLE

Landscape Plan

DATE	
01/08/2013	
DRAWN	
DESIGNED	
CHECKED	
PROJECT #	

COORDINATE SYSTEM: NAD 83 / NC STATE PLANE FEET

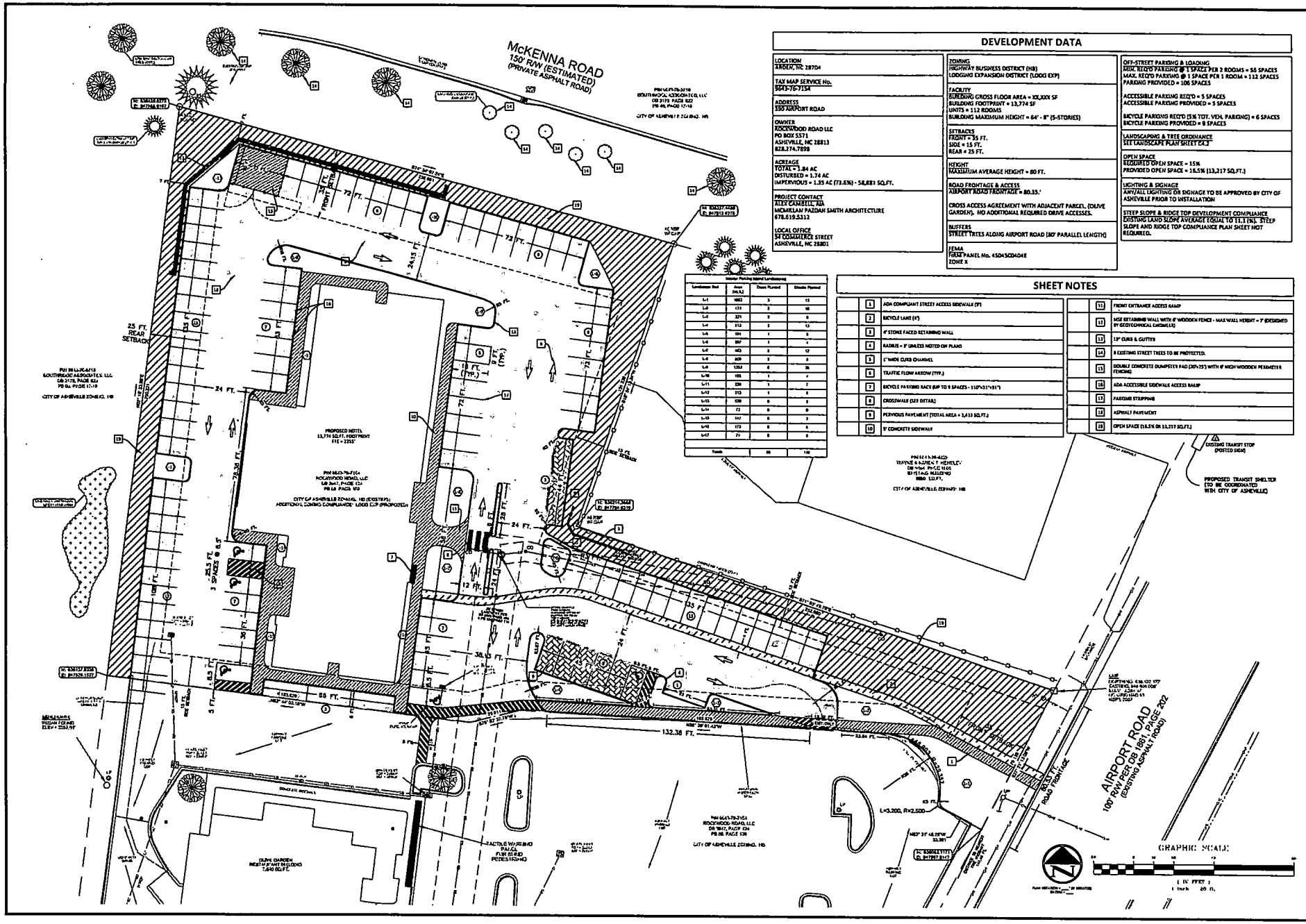
THE INFORMATION ON THIS SHEET IS PROPRIETARY AND SHALL NOT BE REPRODUCED IN WHOLE OR IN PART WITHOUT PERMISSION OF CCAD, PLLC. THE INFORMATION ON THIS SHEET IS TO BE USED ONLY FOR THE PROJECT NAMED ON THIS SHEET AND FOR THE SITE ADDRESSED ON THIS SHEET. ANY OTHER USE OR LOCATION IS PROHIBITED WITHOUT THE WRITTEN PERMISSION AND ADAPTATION BY CCAD, PLLC.

PROJ. NO.

C4.31

B1 Conditions

pg 4 of 4



DEVELOPMENT DATA

LOCATION ARDEN, NC 28704	ZONING HIGHWAY BUSINESS DISTRICT (HB) LODGING EXPANSION DISTRICT (LODG EXP)	OFF-STREET PARKING & LOADING MIN. REQ'D PARKING @ 1 SPACE PER 2 ROOMS = 56 SPACES MAX. REQ'D PARKING @ 1 SPACE PER 1 ROOM = 112 SPACES PARKING PROVIDED = 106 SPACES
TAX MAP SERVICE No. 9643-76-7154	FACILITY BUILDING GROSS FLOOR AREA = 101,XXX SF BUILDING FOOTPRINT = 13,774 SF UNITS = 112 ROOMS BUILDING MAXIMUM HEIGHT = 64' - 8" (5-STORIES)	ACCESSIBLE PARKING REQ'D = 5 SPACES ACCESSIBLE PARKING PROVIDED = 5 SPACES BICYCLE PARKING REQ'D (5% TOT. VEH. PARKING) = 6 SPACES BICYCLE PARKING PROVIDED = 8 SPACES
ADDRESS 150 AIRPORT ROAD	SETBACKS FRONT = 35 FT. SIDE = 15 FT. REAR = 25 FT.	LANDSCAPING & TREE ORDINANCE SEE LANDSCAPE PLAN SHEET C4.3
OWNER ROCKWOOD ROAD LLC PO BOX 5571 ASHEVILLE, NC 28813 828.274.7898	HEIGHT MAXIMUM AVERAGE HEIGHT = 80 FT.	OPEN SPACE REQUIRED OPEN SPACE = 15% PROVIDED OPEN SPACE = 16.5% (13,217 SQ.FT.)
ACREAGE TOTAL = 3.84 AC DISTURBED = 1.74 AC IMPERVIOUS = 1.35 AC (73.6%) - 58,881 SQ.FT.	ROAD FRONTAGE & ACCESS AIRPORT ROAD FRONTAGE = 80.35.' CROSS ACCESS AGREEMENT WITH ADJACENT PARCEL (OLIVE GARDEN). NO ADDITIONAL REQUIRED DRIVE ACCESSES.	LIGHTING & SIGNAGE ANY/ALL LIGHTING OR SIGNAGE TO BE APPROVED BY CITY OF ASHEVILLE PRIOR TO INSTALLATION
PROJECT CONTACT ALEX CAMBELL, AIA MCMILLAN PAZDAN SMITH ARCHITECTURE 678.619.5312	BUFFERS STREET TREES ALONG AIRPORT ROAD (80' PARALLEL LENGTH)	STEEP SLOPE & RIDGE TOP DEVELOPMENT COMPLIANCE EXISTING LAND SLOPE AVERAGE EQUAL TO 11.1 (%). STEEP SLOPE AND RIDGE TOP COMPLIANCE PLAN SHEET NOT REQUIRED.
LOCAL OFFICE 54 COMMERCE STREET ASHEVILLE, NC 28801	FEMA FIRM PANEL No. 4504500404E ZONE X	

Interior Parking Island Landscaping

Landscape Bed	Area (SQ.FT.)	Trees Planted	Shrubs Planted
L-1	1063	5	13
L-2	172	2	10
L-3	321	2	6
L-4	513	3	13
L-5	184	1	5
L-6	187	1	4
L-7	463	3	12
L-8	209	1	6
L-9	1353	6	36
L-10	188	1	4
L-11	159	1	2
L-12	113	1	2
L-13	139	0	5
L-14	72	0	0
L-15	147	0	3
L-16	172	0	5
L-17	74	0	0
Totals		26	110

SHEET NOTES

1	ADA COMPLIANT STREET ACCESS SIDEWALK (TY)
2	BICYCLE LANE (TY)
3	4' STONE FACED RETAINING WALL
4	RADIUS = 5' UNLESS NOTED ON PLANS
5	1' WIDE CURB CHANNEL
6	TRAFFIC FLOW ARROW (TYP.)
7	BICYCLE PARKING RACK (UP TO 9 SPACES - 110"x31"x31")
8	CROSSWALK (SEE DETAIL)
9	PERVIOUS PAVEMENT (TOTAL AREA = 3,113 SQ.FT.)
10	5' CONCRETE SIDEWALK
11	FRONT ENTRANCE ACCESS RAMP
12	MSE RETAINING WALL WITH 6' WOODEN FENCE - MAX WALL HEIGHT = 7' (DESIGNED BY GEOTECHNICAL ENGINEER)
13	18" CURB & GUTTER
14	8 EXISTING STREET TREES TO BE PROTECTED.
15	DOUBLE CONCRETE DUMPSTER PAD (20'x25') WITH 6' HIGH WOODEN PERIMETER FENCING
16	ADA ACCESSIBLE SIDEWALK ACCESS RAMP
17	PARKING STRIPING
18	ASPHALT PAVEMENT
19	OPEN SPACE (16.5% OR 13,217 SQ.FT.)

NO.	DATE	REVISION
4	01/09/19	CITY COUNCIL SUBMITTAL

NORTH CAROLINA PROFESSIONAL SEAL CERTIFICATE OF AUTHORIZATION C.O.A. P.L.L.C. NO. P-0587 — CORPORATE SEAL

NORTH CAROLINA PROFESSIONAL SEAL ENGINEER NO. 18243 — ENGINEER SEAL

CCAD ENGINEERING
Greenville | Charleston
803 Rutledge Street Drive
Greenville, SC 29601
864-230-9999 | f: 864-235-3056
www.ccadengineering.com

PROJECT
Airport Road Hotel
Site Development Plans
Arden, North Carolina

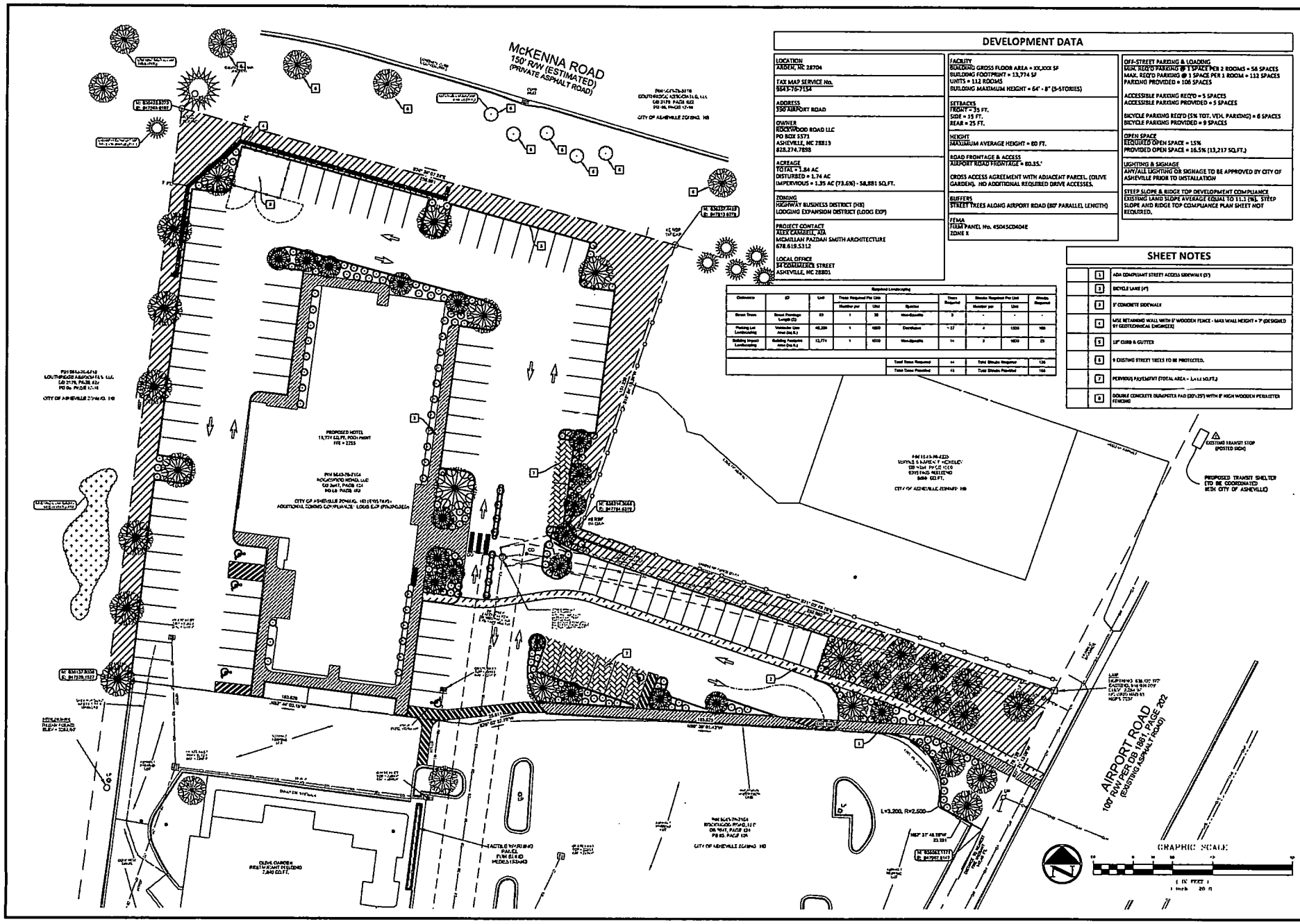
SHEET TITLE
Site Layout, Materials and Zoning Plan

DATE:	01/09/2019
SCALE:	1" = 20'
DRAWN:	JAN
CHECKED:	
PROJECT #:	C0.0895.02

THE INFORMATION ON THIS SHEET IS CONTROLLED BY THE ARCHITECT OF RECORD. THE ARCHITECT OF RECORD RETAINS ALL OWNERSHIP, RIGHTS TO THE DESIGN, AND THE RIGHT TO REPRODUCE, PUBLISH, OR USE THE DESIGN IN WHOLE OR IN PART. THE DESIGN SHALL NOT BE USED FOR OTHER WORK OR PROJECTS WITHOUT THE EXPRESS WRITTEN CONSENT OF THE ARCHITECT OF RECORD.

C4.01

Exhibit C
1 of 4



DEVELOPMENT DATA

LOCATION ARDEN, NC 28704	FACILITY BUILDING GROSS FLOOR AREA = XX,XXX SF BUILDING FOOTPRINT = 13,774 SF UNITS = 112 ROOMS BUILDING MAXIMUM HEIGHT = 64' - 8" (5-STORIES)	OFF-STREET PARKING & LOADING MIN. REQ'D PARKING @ 1 SPACE PER 2 ROOMS = 56 SPACES MAX. REQ'D PARKING @ 1 SPACE PER 1 ROOM = 112 SPACES PARKING PROVIDED = 106 SPACES ACCESSIBLE PARKING REQ'D = 5 SPACES ACCESSIBLE PARKING PROVIDED = 5 SPACES BICYCLE PARKING REQ'D (5% TOT. VEH. PARKING) = 6 SPACES BICYCLE PARKING PROVIDED = 9 SPACES
TAX MAP SERVICE No. 864-76-7154	SETBACKS FRONT = 35 FT. SIDE = 15 FT. REAR = 25 FT.	OPEN SPACE REQUIRED OPEN SPACE = 15% PROVIDED OPEN SPACE = 16.5% (13,217 SQ.FT.)
ADDRESS 350 AIRPORT ROAD	HEIGHT MAXIMUM AVERAGE HEIGHT = 60 FT.	LIGHTING & SIGNAGE ANY/ALL LIGHTING OR SIGNAGE TO BE APPROVED BY CITY OF ASHEVILLE PRIOR TO INSTALLATION
OWNER ROCKYROOD ROAD LLC PO BOX 5571 ASHEVILLE, NC 28813 828.274.7898	ROAD FRONTAGE & ACCESS AIRPORT ROAD FRONTAGE = 80.35.' CROSS ACCESS AGREEMENT WITH ADJACENT PARCEL (OLIVE GARDEN). NO ADDITIONAL REQUIRED DRIVE ACCESSES.	STEEP SLOPE & RIDGE TOP DEVELOPMENT COMPLIANCE EXISTING LAND SLOPE AVERAGE EQUAL TO 11.1 (%). STEEP SLOPE AND RIDGE TOP COMPLIANCE PLAN SHEET NOT REQUIRED.
ACREAGE TOTAL = 3.84 AC DISTURBED = 1.74 AC IMPERVIOUS = 1.35 AC (73.6%) - 58,881 SQ.FT.	BUFFERS STREET TREES ALONG AIRPORT ROAD (80' PARALLEL LENGTH)	
ZONING HIGHWAY BUSINESS DISTRICT (HB) LODGING EXPANSION DISTRICT (LODG EXP)	FEMA FIRM PANEL No. 4504SCD404E ZONE X	
PROJECT CONTACT ALEX CAMPBELL, AIA MCMILLAN PAZDAN SMITH ARCHITECTURE 678.619.5312		
LOCAL OFFICE 34 COURTHOUSE STREET ASHEVILLE, NC 28801		

Required Landscaping

Clearance	ID	Unit	Trees Required Per Unit: Number per	Trees Required Per Unit: Unit	Species	Trees Required	Shrubs Required Per Unit: Number per	Shrubs Required Per Unit: Unit	Shrubs Required
Street Trees	Road Frontage Length (L)	83	1	30	Non-Specific	3	-	-	-
Parking Lot Landscaping	Vehicular Use Area (sq.ft.)	48,881	1	1000	Deciduous	~ 17	4	1000	196
Building Impact Landscaping	Building Footprint Area (sq.ft.)	13,774	1	1000	Non-Specific	14	2	1000	28
					Total Trees Required	44	Total Shrubs Required		224
					Total Trees Provided	45	Total Shrubs Provided		198

SHEET NOTES

1	ADA COMPLIANT STREET ACCESS SIDEWALK (5')
2	BICYCLE LANE (4')
3	5' CONCRETE SIDEWALK
4	MSE RETAINING WALL WITH 6' WOODEN FENCE - MAX WALL HEIGHT = 7' (DESIGNED BY GEOTECHNICAL ENGINEER)
5	18" CURB & GUTTER
6	9 EXISTING STREET TREES TO BE PROTECTED.
7	PERVIOUS PAVEMENT (TOTAL AREA - 1,112 SQ.FT.)
8	DOUBLE CONCRETE DUMPSTER PAD (20'x25') WITH 8' HIGH WOODEN PERMASTER FENCING

NO.	DATE	REVISION
A	01/08/18	CITY COUNCIL SUBMITTAL

NORTH CAROLINA PROFESSIONAL SEAL
CCAD, PLLC
NO. P-0609
CERT# FIRM OF ENGINEERS
CORPORATE SEAL

SOUTH CAROLINA PROFESSIONAL SEAL
NO. 12134
ENGINEER SEAL

CCAD ENGINEERING
Greenville | Charleston
803 Impact Court Drive
Greenville, SC 29615
864.330.0000 | F: 864.330.0066
www.ccadengineering.com

PROJECT
Airport Road Hotel
Site Development Plans
Arden, North Carolina

SHEET TITLE
Landscape Plan

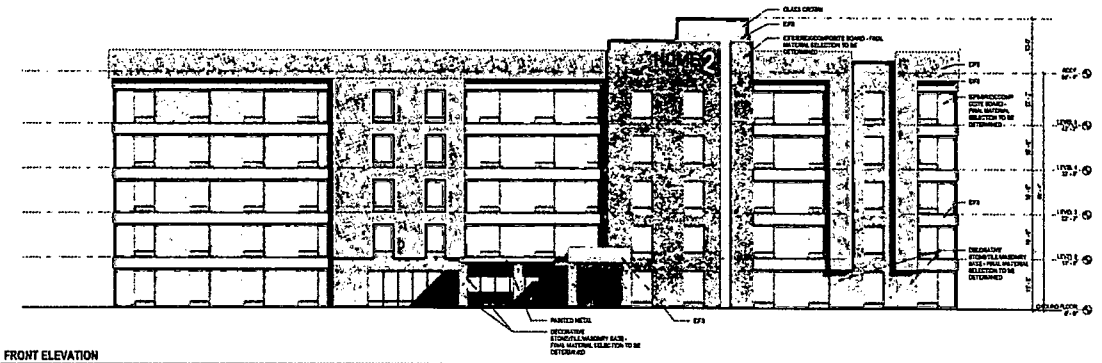
DATE: 01/08/2018
SCALE: 1" = 20'
DRAWN: JAM
CHECKED: JAM
PROJECT #: CCADEC

THE INFORMATION OF THIS SHEET IS CONTROLLED BY THE ARCHITECT. ANY REPRODUCTION OR REPRODUCTION OF THIS SHEET IN WHOLE OR IN PART WITHOUT WRITTEN PERMISSION OF THE ARCHITECT IS PROHIBITED.

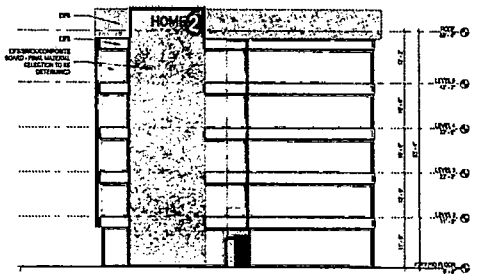
C4.31

Exh C
pg 2 of 4
449

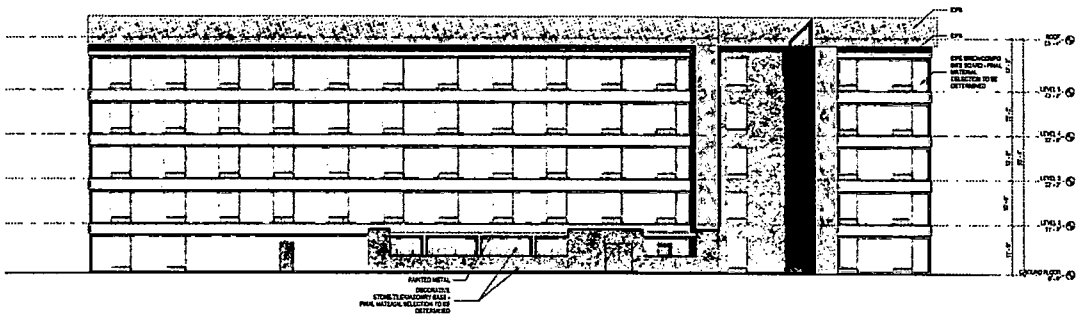
NOTE: THIS REPRESENTS THE APPROXIMATE FINAL MASSING AND DESIGN OF THE BUILDING. MINOR VARIATIONS ARE LIKELY AS THE DESIGN PROCESS EVOLVES. FINAL MATERIAL AND COLOR SELECTIONS ARE PENDING AND WILL BE REVIEWED AND APPROVED BY STAFF.



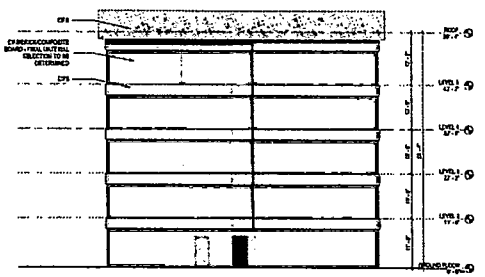
FRONT ELEVATION



SIDE ELEVATION 1



REAR ELEVATION



SIDE ELEVATION 2

mcmillan | pazdan | smith
ARCHITECTURE

HOME2 SUITES
ASHEVILLE, NC
01/05/18

ELEVATIONS
A400

mcmillan | pazdan | smith
ARCHITECTURE

HOME2 SUITES
ASHEVILLE, NC
01/08/18

RENDER
A401

Exh C PA 484

ORDINANCE NO. 4647

ORDINANCE ESTABLISHING CONDITIONAL ZONING FOR PROPERTY LOCATED AT 1093 TUNNEL ROAD AND 3 OTEEN PARK PLACE

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statues, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this proposed ordinance is determined to be reasonable in the public interest and consistent with the City's 2025 Comprehensive Plan and other official plans of the City, for the following reasons:

a. The proposal makes use of an existing commercial parcel with upgrades to site landscaping; and
b. The landscape buffer will provide an effective screen between the use and the neighborhood.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

The zoning classification of that certain real property described in Exhibit A and identified on Buncombe County tax maps as PINs 9668.26.6769 and 9668.26.6877 recorded in Deed Book 5352, Page 1061 and Book 5382, Page 347 and currently owned by Lilian and Edson DiGobbi from Highway Business and Residential Single-Family High Density Districts to Highway Business Conditional Zone district. A copy of the official zoning map showing said lots is attached hereto as Exhibit "A" and made a part hereof. Said rezoning is subject to the conditions set out in Exhibit "B.1", and substantially complies with the site plans shown in Exhibit "C", both attached hereto and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. The ordinances shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 5. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 23rd day of January, 2018.

Magdalen Bouldson
City Clerk

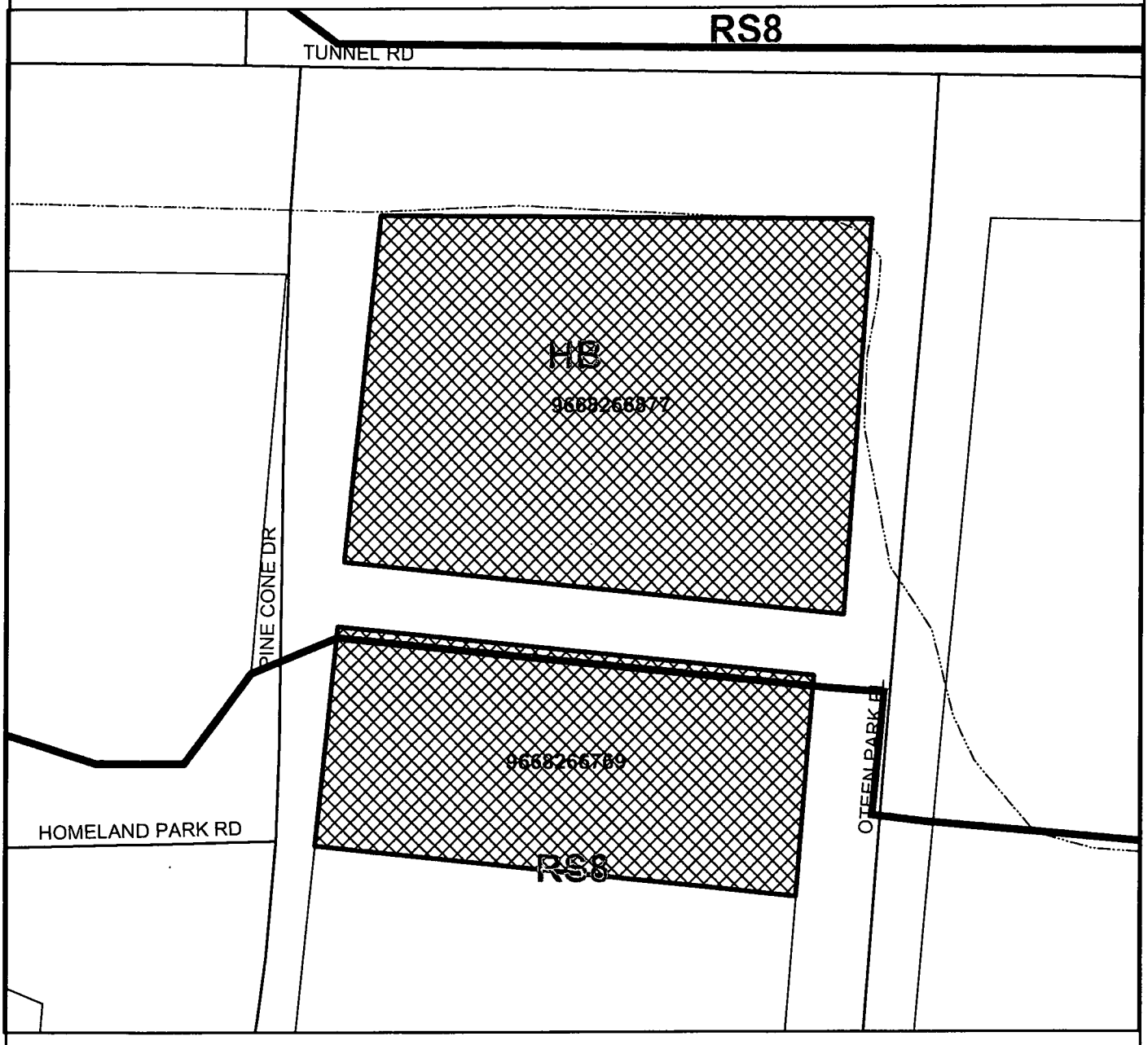
Mayor

Approved as to form:

City Attorney

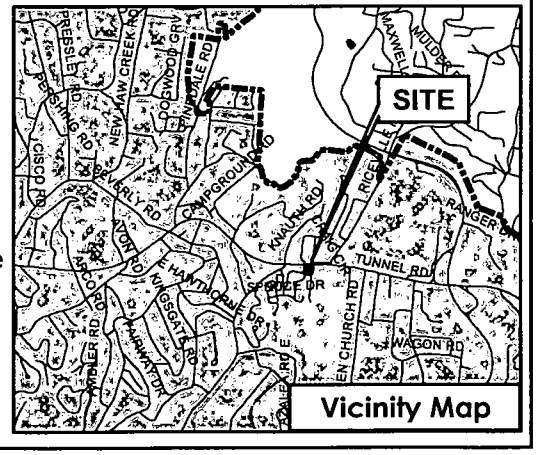
Magdalen Bouldson

City of Asheville - Exhibit A Map
Conditional Zoning - Elff Auto Center



Project Name: Elff Auto Center
Project Number: 16 - 06616 PZ
Project Description: CZ from RS8 & HB to HB CZ
Petitioner(s): Lilian DeGobbi
Parcel ID Number(s): 9668-26.6769 & 9668-26.6877

Location/Address: 1093 Tunnel Road & 3 Oteen Park Place



Project Site | Parcels | Asheville City Limits
Zoning Districts | Streets | River Areas | Manufactured Housing Overlay District

City of Asheville Planning and Urban Design Department - December 2017

Elff Auto Center *As proposed by applicant*

Exhibit B.1 – Conditions List

1. The zoning for the two parcels currently located at 1093 Tunnel Road and 3 Oteen Park Place (PINs 9668.26.6769 and 9668.26.6877) is Highway Business Conditional Zone. The parcels must be recombined prior to issuance of final zoning approval.
2. There may be two driveways providing access from Tunnel Road and one onto Pine Cone Drive as shown on the site plan incorporated herein by reference.
3. No sidewalks are provided along Oteen Park Place or Pine Cone Drive. The sidewalk along Tunnel Road will remain in the current layout as indicated on the site plan incorporated herein by reference.
4. Landscaping will be provided as shown on the landscape plan as incorporated herein by reference. Street trees and street buffer along Tunnel Road will not be provided due to the existing sidewalk and driveway condition.
5. The building design, site design, construction materials and orientation on site must substantially comply with the approved site plan which is incorporated herein by reference. Any major deviations from these plans will require a rezoning.
6. All legally required local, state, and federal permits and approvals must be obtained prior to initiation of construction and any pertinent legal requirements shall be met.

GRAPHIC SCALE 1"=10' (0' 10' 20' 30')

GRID NORTH NAD 83 (2011)

SHRUB	DFOT - DWARF FOTHERGILLA (FOTHERGILLA GARDENII) - (SMALL DEC. SHRUB)	⊙
SHRUB	SHYD - SMOOTH HYDRANGEA (HYDRANGEA ARBORESCENS) - (MEDIUM DEC. SHRUB)	○
SHRUB	DRLE - DROOPING LEUCTHOE (LEUCOTHOE FONTANESIANA) - (SMALL EVER. SHRUB)	⊙
SHRUB	ILEO - DOGBERRY (ILEX GLABRA 'SHAMROCK') - (MED. EVER. SHRUB)	○

TUNNEL ROAD
(US HIGHWAY 70)
PAVED SURFACE

EXISTING SIDEWALK AND RAMP WITH DETECTABLE WARNING PLATES IN PLACE.

EXISTING FIRE HYDRANT

Existing Street Trees for Tunnel Road (4 Total)

SUBJECT PROPERTY AREA
9618 SF
0.221 Ac.

28 PROPOSED STREET BUFFER SHRUBS FROM CITY OF ASHEVILLE APPROVED SPECIES LIST

13 PROPOSED STREET BUFFER SHRUBS FROM CITY OF ASHEVILLE APPROVED SPECIES LIST

Existing Street Trees for Pine Cone (5 Total)

10 FT. STREET TREE PLANTING STRIP

EDSON AND LILIAN H. DEGOBBI
9668-26-6877
D.B.5353 PG.1061
P.B.0005 PG.0000
1023 TUNNEL ROAD
HB ZONING
PROPERTY AREA
9618 SF
0.221 Ac.

Existing Street Trees for Oteen Park Place (4 Total)

Existing Oteen Park Place Street Buffer Shrubs (18 each)

28 PROPOSED STREET BUFFER SHRUBS FROM CITY OF ASHEVILLE APPROVED SPECIES LIST

9668-26-4888
DAVENPORT PROPERTIES LLC
D.B.3628 PG.428
1055 TUNNEL RD

10 FT. STREET TREE PLANTING STRIP

13 PROPOSED STREET BUFFER SHRUBS FROM CITY OF ASHEVILLE APPROVED SPECIES LIST

10' X 30' SITE VISIBILITY TRIANGLE (TYP.)

Silt Fence (Typ.) See Detail 7.01 Sheet D2

PINE CONE DR
PAVED SURFACE
(PUBLIC)

FRONT LOT

EXISTING 1 STORY
2720 SF BUILDING
FF 2134.50

Construction Entrance See Detail 3.15C Sheet D2

15' ALLEY

NEW ASPHALT AREA

ALLEY BUSINESS ZONE

New Driveway Entrance See Detail 3.15C Sheet D2

Existing Mailbox and Shrubs to be re-located

Existing Shrub to be re-located inside 30' property buffer

OTEEN PARK PL
PAVED SURFACE
25' R/W
(PUBLIC)

Existing Street Trees for Oteen Park Place (4 Total)

ALLEY ZONED HIGHWAY BUSINESS

28 PROPOSED STREET BUFFER SHRUBS FROM CITY OF ASHEVILLE APPROVED SPECIES LIST

30' TYPE 'B' BUFFER LINE

Existing Street Trees for Pine Cone (5 Total)

FEE IN LIEU OF SIDEWALK CONSTRUCTION PREVIOUSLY PAID FOR ENTIRE OTEEN PARK PLACE FRONTAGE.

Existing Evergreen Property Buffer Shrubs (25 TOTAL)

REAR LOT

Existing 3' Evergreen Tree (18 TOTAL)

FEE IN LIEU OF SIDEWALK CONSTRUCTION PREVIOUSLY PAID FOR ENTIRE PINE CONE DRIVE FRONTAGE.

15' BUILDING SETBACK

EDSON AND LILIAN H. DEGOBBI
9668-26-6769
22
D.B.5353 PG.347
P.B.150 PG.0181
9 OTEEN PARK PL.
ZONED RS-6 TO PROPOSED HB ZONING

Existing 83" PINE

BUILDING SETBACK (RS6)

30 FT. BUFFER LINE (HB TO RS6)

PROPERTY LINE

N 85° 02' 29" W
112.67'

Existing 8" PINE

Existing Oteen Park Place Street Buffer Shrubs (18 each)

9668-26-6763
PAUL & DORIS G RAY LIVING TRUST & PAUL & DORIS G R
D.B.4800 PG.745 P.B.150 PG.0181
7 OTEEN PARK PL
RS-6 (RESIDENCE)

5 PROPOSED PROPERTY BUFFER SHRUBS FROM CITY OF ASHEVILLE APPROVED SPECIES LIST

Existing Shrubs (4 each)

NOTE:
SEE COA STANDARD NO. 3.22F/L2 FOR TREE AND SHRUB PLANTING.

ANTICAMB & TRUE CREDITS

PROPERTY BUFFER:
REQUIRED TREES = 16
TRUE CREDITS LOCATED ALONG SOUTH PROPERTY LINE:

EXISTING TREES	COUNT	# CREDITS
3"-6"	15 EA X 1	15
7"-12"	1 EA X 2	2
13"-18"	0 EA X 3	0
19"-24"	0 EA X 4	0
25"	0 EA X 5	0
TOTAL:		20 CREDITS

ADJUSTED SUBTOTAL REQUIRED = 0
ADJUSTED TOTAL REQUIRED = 0
TRUE CREDITS
TOTAL TRUE CREDITS = 20
TOTAL TRUE CREDITS APPLIED = 20

ANTICAMB & TRUE CREDITS

STREET TREES
REQUIRED TREES = 13
TRUE CREDITS LOCATED ALONG TUNNEL ROADSIDE PARK PLACE/PINE CONE

EXISTING TREES	COUNT	# CREDITS
2"-6"	14 EA X 1	14
7"-12"	1 EA X 2	0
13"-18"	0 EA X 3	0
19"-24"	0 EA X 4	0
25"	0 EA X 5	0
TOTAL:		14 CREDITS

ADJUSTED SUBTOTAL REQUIRED = 0
ADJUSTED TOTAL REQUIRED = 0
TRUE CREDITS
TOTAL STREET TREE CREDITS = 14
TOTAL TREE CREDITS APPLIED = 14

ANTICAMB & SHRUB CREDITS

PROPERTY BUFFER:
REQUIRED SHRUBS = 30
SHRUB CREDITS LOCATED ALONG SOUTH PROPERTY LINE:

EXISTING SHRUBS	COUNT	# CREDITS
SHRUB	25 EA X 1	25
TOTAL:		25 CREDITS

ADJUSTED SUBTOTAL REQUIRED = 5
ADJUSTED TOTAL REQUIRED = 5
TRUE CREDITS
TOTAL SHRUB CREDITS = 25
TOTAL SHRUB CREDITS APPLIED = 25

ANTICAMB & SHRUB CREDITS

OTEEN PARK PLACE STREET BUFFER:
REQUIRED SHRUBS = 18
SHRUB CREDITS LOCATED ALONG OTEEN PARK PLACE

EXISTING SHRUBS	COUNT	# CREDITS
SHRUB	18 EA X 1	18
TOTAL:		18 CREDITS

ADJUSTED SUBTOTAL REQUIRED = 13
ADJUSTED TOTAL REQUIRED = 13
SHRUB CREDITS
TOTAL SHRUB CREDITS = 18
TOTAL SHRUB CREDITS APPLIED = 18

ANTICAMB & SHRUB CREDITS

PINE CONE DRIVE STREET BUFFER:
REQUIRED SHRUBS = 23
SHRUB CREDITS LOCATED ALONG PINE CONE DRIVE

EXISTING SHRUBS	COUNT	# CREDITS
SHRUB	2 EA X 1	2
TOTAL:		2 CREDIT

ADJUSTED SUBTOTAL REQUIRED = 23
ADJUSTED TOTAL REQUIRED = 23
SHRUB CREDITS
TOTAL SHRUB CREDITS = 2
TOTAL SHRUB CREDITS APPLIED = 2

ANTICAMB & SHRUB CREDITS

TUNNEL ROAD STREET BUFFER:
REQUIRED SHRUBS = 23
SHRUB CREDITS LOCATED ALONG PINE CONE DRIVE

EXISTING SHRUBS	COUNT	# CREDITS
SHRUB	0 EA X 1	0
TOTAL:		0 CREDIT

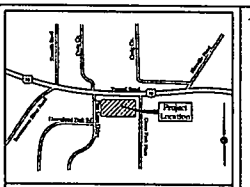
ADJUSTED SUBTOTAL REQUIRED = 23
ADJUSTED TOTAL REQUIRED = 23
SHRUB CREDITS
TOTAL SHRUB CREDITS = 0
TOTAL SHRUB CREDITS APPLIED = 0

TOTAL LANDSCAPING REQUIRED

REAR PROPERTY BUFFER: TREES = 16, SHRUBS = 30
STREET BUFFER: SHRUBS = 84
STREET TREES: TREES = 13
COMBINED TOTALS: TREES = 29, SHRUBS = 84

REVISED TOTAL LANDSCAPING REQUIRED

PROPERTY BUFFER:
TREES = 0
SHRUBS = 3
STREET TREES
TREES = 0
OTEEN PARK PLACE STREET BUFFER:
SHRUBS = 13
PINE CONE DRIVE STREET BUFFER:
SHRUBS = 23
TUNNEL ROAD STREET BUFFER:
SHRUBS = 23 (MODIFICATION REQUEST)
COMBINED TOTALS:
TREES = 0
SHRUBS = 46



Vicinity Map
NOT TO SCALE

DEVELOPMENT DATA BLOCK

	FRONT LOT & 15' ALLEY	REAR LOT
PIN	9668-26-6877 (FRONT LOT) 9668-26-4888 (ALLEY)	9668-26-4888 (REAR LOT)
PHYSICAL ADDRESS	1023 TUNNEL ROAD AND 9 OTEEN PARK PL	3 OTEEN PARK PLACE AND 1055 TUNNEL RD
PROPERTY SIZE	0.221 AC (9,618 SF) (FRONT LOT) + 0.040 AC (1,738.33 SF) (15' ALLEY) = 0.261 AC (11,356.33 SF)	1.02 AC (44,431 SF)
ZONING DISTRICT	HB	ZONED RS6 TO PROPOSED HB
SETBACKS	HB FRONT: 15' HB REAR: 10' HB CORNER LOT: 1000 15'	RS6 FRONT: 30' RS6 REAR: 40' RS6 SIDE: 10'
FORM DEVELOPMENT IMPERVIOUS AND PERVIOUS AREAS	IMPERVIOUS AREA = 4,220 SF (2,110 SF FF + 2,110 SF ALLEY) = 37.17% PERVIOUS AREA = 7,136 SF (3,568 SF FF + 3,568 SF ALLEY) = 62.83%	FOR DEVELOPMENT: IMPERVIOUS AREA = 0.63 AC (27,456 SF) = 61.81% PERVIOUS AREA = 0.17 AC (7,411 SF) = 16.69%
(FRONT LOT) FOR DEVELOPMENT IMPERVIOUS AREA = 4,220 SF (2,110 SF FF + 2,110 SF ALLEY) = 37.17% PERVIOUS AREA = 7,136 SF (3,568 SF FF + 3,568 SF ALLEY) = 62.83%		FOR DEVELOPMENT: IMPERVIOUS AREA = 0.63 AC (27,456 SF) = 61.81% PERVIOUS AREA = 0.17 AC (7,411 SF) = 16.69%
15' ALLEY: IMPERVIOUS AREA = 2,110 SF (1,110 SQ FT + 1,000 SQ FT) (0.048 AC) = 28.57% PERVIOUS AREA = 5,304 SF (2,568 SQ FT + 2,736 SQ FT) (0.122 AC) = 71.43%		IMPERVIOUS AREA = 0.02 AC (1,000 SF) (0.023 AC) = 2.25% PERVIOUS AREA = 0.02 AC (7,411 SF) (0.170 AC) = 16.69%
15' ALLEY: IMPERVIOUS AREA = 1,000 SF (1,000 SQ FT) (0.023 AC) = 28.57% PERVIOUS AREA = 2,500 SF (2,500 SQ FT) (0.057 AC) = 71.43%		PERVIOUS AREA = 0.02 AC (7,411 SF) (0.170 AC) = 16.69%
4,220/7,136 = 37.17% / 62.83%	4,220/7,136 = 37.17% / 62.83%	INCLUSIVE (FOR ALL AREAS): IMPERVIOUS AREA = 0.63 AC (27,456 SF) (0.63 AC) = 61.81% PERVIOUS AREA = 0.17 AC (7,411 SF) (0.17 AC) = 16.69%
% SITE IMPERVIOUS = 43.00%	% SITE IMPERVIOUS = 43.00%	
LAND DISTURBANCE	0.27 AC (11,756.10 SF)	
FCR, TYPE	FCR, Ch. 19.05 GVD	
LANDSCAPING REQUIREMENTS	STREET TREES: OVERHEAD UTILITIES PRESENT: SMALL MATURING FCR 30 LF OF PROPERTY LINE	

TUNNEL ROAD - (INSTALLED DURING PHASE I)
REQ'D LF / 30 (OVERHEAD UTILITIES PRESENT) = 376 = 4 SMALL MATURING TREES

PINE CONE DRIVE
(66.30 LF (REQ) + 15 FT ALLEY + 50 LF NEW PROPERTY) / 30 (OVERHEAD UTILITIES) = 4.87 = 5 SMALL MATURING TREES REQ'D/5.5 TREES SHOWN.

OTEEN PARK PLACE
(50 LF (REQ) + 15 FT ALLEY + 50 FT OF NEW PROPERTY) / 40 (NO OVERHEAD UTILITIES) = 3.62 = 4 TREES REQUIRED, 4 TREES SHOWN.

REAR PROPERTY LINE BUFFER:
REAR PROPERTY LINE: REQ'D LF (TYPE B BUFFER AT 30 FT WIDE REQUIRED)

REQUIRED TREES FOR REAR PROPERTY BUFFER
OVERSTORY TREES
DECIDUOUS TREES (LAR CE) = 5 TREES
DECIDUOUS TREES (SMALL) = 5 TREES
SHRUBS (LARGE) = 15 SHRUBS
SHRUBS (SMALL) = 15 SHRUBS

STREET BUFFERS

STREET BUFFER
EVERGREEN SHRUBS * OR UNDERGROUND SHRUBS:
FOR 5 LF OF BUFFER
* MUST BE A MIN. 3' IN HEIGHT AT MATURITY

TUNNEL ROAD -
82.83 LF / 5 = 22.57 SO SHRUBS = 23 SHRUBS

PINE CONE DRIVE
(66.30 LF (REQ) + 15 FT ALLEY + 50 LF NEW PROPERTY) / 5 = 23.24 SO SHRUBS = 30 SHRUBS REQUIRED

OTEEN PARK PLACE
(50 LF / 5 = 10 + 15 FT ALLEY + 50 FT OF NEW PROPERTY) / 5 = 20.00 = 20 SHRUBS REQUIRED

PARKING LOT LANDSCAPING - NOT REQUIRED
BUILDING IMPACT - NOT REQUIRED

MODIFICATION REQUESTS

SETBACKS
HB CORNER LOT REQ'D
REQUESTED SETBACK: 15'
PROPOSED SETBACK: 20' (CURRENT BUILDING LOCATION)

STREET TREE LOCATION
4 STREET TREES ARE REQUIRED ALONG TUNNEL ROAD
REQUEST THAT 2 OF THE 4 TREES BE RELOCATED TO THE RIGHT TO AVOID WATERLINE EASEMENT AREA

TUNNEL ROAD STREET BUFFER
REQUIRED TUNNEL ROAD STREET BUFFER SHRUBS
ARE UNABLE TO BE PLANTED DUE TO EXISTING CONDITIONS AND ARE UNABLE TO BE PLANTED ON THE SIDE DUE TO SEWER EASEMENT AND AMOUNT OF REQUIRED PLANTINGS FOR PINE CONE DRIVE & OTEEN PARK PLACE

TUNNEL ROAD DOTS AND DRIVES
ENTRANCE DRIVEWAYS ALONG TUNNEL ROAD TO REMAIN FOR SAFETY ISSUES.

Davis CivilSolutions, PA
Site/Infrastructure • Engineering/Planning
3944 Charlotte Highway Lake Wylie, South Carolina 29710
PHONE/FAX (704) 889-8202 • www.davisciviltechnics.com

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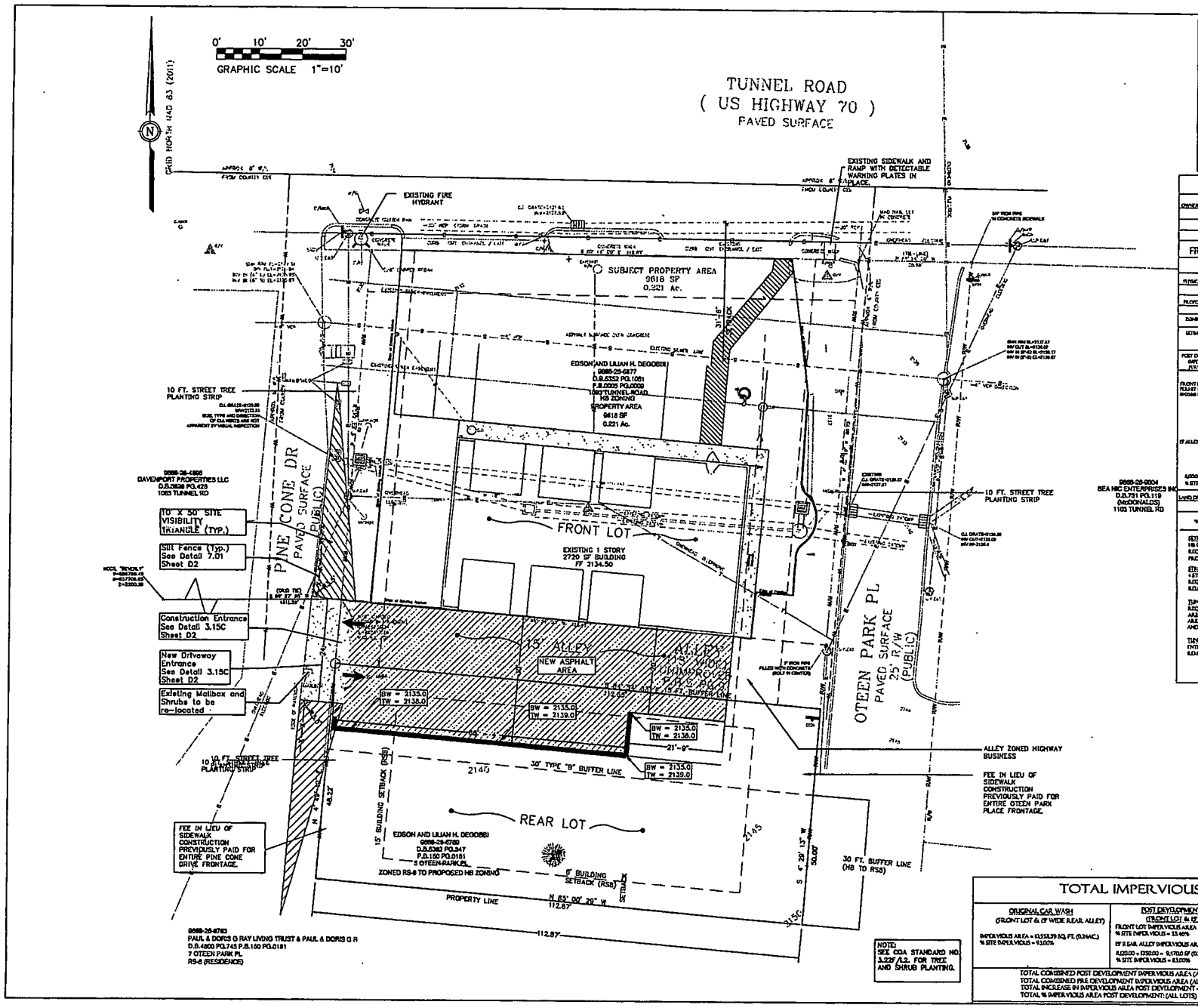
DAVID L. DAVIS
NORTH CAROLINA
PROFESSIONAL ENGINEER
SEAL
17294
11/09/07

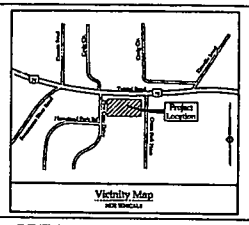
Site Development Plan For
ELFF Auto Center
ASHEVILLE, NORTH CAROLINA

Job No.: 1311.00
Date: November, 2007
Scale: 1"=10'
Revisions:

Conceptual Master Plan Landscaping

Sheet
C5





Vicinity Map

DEVELOPMENT DATA BLOCK

OWNER/DEVELOPER:	EDSON AND LILIAN H. DEGOOBI	
CONTACT:	EDSON DEGOOBI & LILIAN H. DEGOOBI	
PHONE:	828.768.2016	
ADDRESS:	1063 OLD FARM SCHOOL RD, ALTAMONT, NC 28803	
	FRONT LOT & 15' ALLEY	REAR LOT
PIN:	9668-25-6177 (FRONT LOT) & 9668-25-6177	9668-25-6769 REAR LOT
PHYSICAL ADDRESS:	1063 TUNNEL ROAD ASHEVILLE, NC	8 OTEEN PARK PLACE ASHEVILLE, NC
PROPOSED SITE SIZE:	0.221 AC (9627.57 SF) (FRONT LOT) +0.040 AC (1743.13 SF) OF ALLEY = 0.261 AC (11,370.70 SF)	0.17 AC (7,405.73 SF)
ZONING DISTRICT:	HB	ZONED RS8 TO PROPOSED HB
SETBACKS:	HB FRONT: 25' HB REAR: 0' HB CORNER LOT SIDE: 25'	RS8: FRONT: 25' SIDE: 8.5 ft REAR: 25' SIDE: 8'
POST DEVELOPMENT IMPERVIOUS AND PERVIOUS AREAS		PRE DEVELOPMENT
FRONT LOT: PARKING & ALLEY	IMPERVIOUS AREA = 8,220 SF 8,220 SQ. FT. (0.189 AC.) % SITE IMPERVIOUS = 84.00% PERVIOUS AREA = 1,557 SF (1,557 SQ. FT. (0.03 AC.) % SITE PERVIOUS = 16%	IMPERVIOUS AREA = 0 SQ. FT. (0.00 AC.) % SITE IMPERVIOUS = 0.00% PERVIOUS AREA = 9,713.00 SF (0.22 AC.) % SITE PERVIOUS = 100.00%
15' ALLEY	IMPERVIOUS AREA = 1,330 SF 1,330 SQ. FT. (0.03 AC.) % SITE IMPERVIOUS = 75.00% PERVIOUS AREA = 334.73 SF 334.73 SQ. FT. (0.01 AC.) % SITE PERVIOUS = 25.00%	POST DEVELOPMENT IMPERVIOUS AREA = 17,550.00 SF (0.40 AC.) % SITE IMPERVIOUS = 36.00% PERVIOUS AREA = 4,812.00 SF (0.11 AC.) % SITE PERVIOUS = 19.00%
	8,220.00 + 1,330.00 = 9,550.00 SF (0.22 AC.) % SITE IMPERVIOUS = 43.00%	INCREASE/DECREASE IMPERVIOUS AREA = 17,550.00 SF (0.40 AC.) % INCREASE = 100.00%
LAND DISTURBANCE:	0.67 AC. (29,166.30 SF)	
FOR SITE:	89.2% (1.1 AC.) (38.8% CAP)	

*MODIFICATION REQUESTS

SETBACKS
HB CORNER LOT SIDE
REQUIRED SETBACK: 25'
PROPOSED SETBACK: 25' (CURRENT BUILDING LOCATION)

STREET TREE LOCATION
4 STREET TREES ARE REQUIRED ALONG TUNNEL ROAD
REQUEST THAT 2 OF THE 4 TREES BE RELOCATED TO THE SIDE TO AVOID WATERLINE EASEMENT AREA

TUNNEL ROAD STREET BUFFER
REQUIRED TUNNEL ROAD STREET BUFFER SHRUBS ARE UNABLE TO BE PLANTED DUE TO EXISTING CONDITIONS AND ARE UNABLE TO BE PLANTED ON THE SIDE DUE TO SEWER EASEMENT AND REQUIRED PLANTINGS FOR PINE CONE DRIVE & OTEEN PARK PLACE

TUNNEL ROAD ENTRANCE DRIVE
ENTRANCE DRIVEWAYS ALONG TUNNEL ROAD TO BE ADJAIN FOR SAFETY ISSUES.

TOTAL IMPERVIOUS AREA SUMMARY

ORIGINAL CAR WASH (FRONT LOT & 15' WIDE REAR ALLEY)	POST DEVELOPMENT AUTO REPAIR (FRONT LOT & REAR ALLEY)	ADDITION OF REAR LOT
IMPERVIOUS AREA = 13,558.39 SQ. FT. (0.34 AC.) % SITE IMPERVIOUS = 93.00%	FRONT LOT IMPERVIOUS AREA = 8,220 SQ. FT (0.19 AC.) % SITE IMPERVIOUS = 33.40% 15' REAR ALLEY IMPERVIOUS AREA = 1,330.0 SF (0.03 AC.) 8,220.00 + 1,330.00 = 9,550.0 SF (0.22 AC.) % SITE IMPERVIOUS = 43.00%	8,125.00 SF (0.2025 AC.) ASPHALT AREA

TOTAL COMBINED POST DEVELOPMENT IMPERVIOUS AREA (ALL LOTS) 8,220 SF + 1,330 SF + 8,125 SF = 18,675 SF
TOTAL COMBINED PRE DEVELOPMENT IMPERVIOUS AREA (ALL LOTS) 13,558.39 SF
TOTAL INCREASE IN IMPERVIOUS AREA POST DEVELOPMENT = 46.61 SF (0.00.0%)
TOTAL % IMPERVIOUS AREA POST DEVELOPMENT: (ALL LOTS) = 64%

Davis CivilSolutions, PA
Site/Infrastructure • Engineering/Planning
Blue Ridge Highway, Asheville, North Carolina 28805
828.277.1111 • www.davisciviltsolutions

Site Development Plan For
ELFF Auto Center
ASHEVILLE, NORTH CAROLINA

Job No.: 17.169
Date: November, 2017
Scale: 1"=10'
Revisions:

Conceptual Master Plan
Site Layout, Materials & Zoning Compliance

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458

ORDINANCE NO. 4648

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made a part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 23rd day of January, 2018.

Magdalen Burleson
City Clerk

Esther G. [illegible]
Mayor

Approved as to form:

City Attorney

PURPOSE: Buncombe County Tourism and Development -Tourism Development Product Fund Grant in the amount of $4,600,000

CITY OF ASHEVILLE			**BUDGET AMENDMENT**	
			2017/18	1/9/2018
			FISCAL YEAR	EFFECTIVE DATE
Purpose:	To budget TDA TIGER VI grant.			
Requesting Department:	Capital Projects			
Amendment to:	General Capital Projects Fund			
	Account	**Current Budget**	**Amended Budget**	**Increase (Decrease)**
Revenues				
41000330-437110 Q1701	TPDF Grant	$ 1,850,000	$ 6,450,000	$ 4,600,000
Expenditures				
41000330-521001 Q1701	Contracted Services	$ 27,127,901	$ 31,727,901	$ 4,600,000
BALANCE				**$ -**

Magdalen Burleson

BUNCOMBE COUNTY

CITY OF ASHEVILLE

CITY COUNCIL

ORDINANCES

MINUTES

VOLUME: 32

(FEBRUARY 13, 2018 – OCTOBER 22, 2019)

(PAGES: INDEX – 449)

(ORDINANCES No: O-2018-4549 – O-2019-4775)

A

African American Heritage Resources Survey - Budget Amendment, 176
Amby Road - Speed limt reduced, 419
ART Station Facility Renovation - Budget amendment, 400
Aston Park - Amended Aston Park Tennis Center fees & charges, 21
Aston Park Tennis Center - Budget Amendment for grant from US Tennis Association, 264
Avon Road, 3 - Public hearing for CZ for 3 Avon Rd, 353

B

Battery Park Avenue, 20 - Public hearing for CZ for 20 Battery Park Ave known as Flat Iron Bldg, 394
Beaucatcher Greenway - Budget amendment from TPD Funds grant, 309
Bicycle Taxi - Amdt to pedal bicycle taxi franchise of Here to There, 84
Bike Safe Grant - Budget amendment from NC Governor's Highway Safety Program, 431
Bike Share Feasiblity Study - Budget Amdt to include e-scooters in study, 294
Biltmore Avenue, 155, 137, 129 and 123- Public hearing for CZ at 324 Biltmore Avenue, 323
Biltmore Avenue, 324 - Public hearing for CZ at 324 Biltmore Avenue, 314
Booker Street, 460-1/2 - Additional enforcement efforts, 227
Bradley Branch Road, 39 - Public hearing for CZ for 39 Bradley Branch Road for Sweetgrass Apts, 70
Brevard Road, 643 - Public hearing to rezone 647 and formerly 647 Brevard Road, 210
Brevard Road, 647 formerly - Public hearing to rezone 647 and formerly 647 Brevard Road, 210
Broadway - Budget Amendment for sale and conveyance of property, 418
Brookside Circle - Public hearing for cz, 27
Budget - Adoption of 2018-19 Annual Operating Budget, 98
Budget - Adoption of FY 18-19 fees and charges, 40
Budget - Adoption of FY 2019-20, 381
Budget Amendment - Donation from Mission Hospital for bus shelter at Livingston Street, 413
Budget - FY 19-20 Fees & Charges Manual adopted, 362
Budget Amendment - 2018 JAG grant, 184
Budget Amendment - Accept funds from FM Global for replacement of Sparky the Dog costume, 247
Budget Amendment - Accept reimbursement of insurance funds, 296
Budget Amendment - Accepted additional grant funds from National Drug Control Policy for HITDTA, 311
Budget Amendment - African American Heritage Resources Survey, 176
Budget Amendment - ART Station Facility Renovation, 400
Budget Amendment - Beaucatcher Greenway amdt from TPD Funds grant, 309
Budget Amendment - Bulletproof Vest Partnership Grant, 230
Budget Amendment - Carry-overs, 254
Budget Amendment - Connectivity impvts for The District on Fairview Road, 13
Budget Amendment - Debt Refunding, 108
Budget Amendment - Development Services Dept technology, 225
Budget Amendment - E.W. Grove Park, 90
Budget Amendment - Eagle-Market Place project payment, 258
Budget Amendment - Edward Byrne Justice of Assistance Grant, 430
Budget Amendment - Emergency Solutions Grant, 19
Budget Amendment - End of the year roll-overs, 388
Budget Amendment - Expenses for new Proterra electric bus purchases, 380
Budget Amendment - FBMPO for bike and ped counting equipment, 260
Budget Amendment - FEMA grant Assistance for Staffing for Adequate Fire & Emergency Response Grant, 243
Budget Amendment - FEMA grant Assistance to Firefighters Grant, 241
Budget Amendment - For affordable housing from Deerfield Community, 438
Budget Amendment - For disbursement of funds to Housing Authority for Lee Walker Heights, 347
Budget Amendment - For legal svs, 283
Budget Amendment - For parking garages elevators renov, 321
Budget Amendment - For Sec 5307 funds, 437
Budget Amendment - For Sec 5310 funds from FTA, 5
Budget Amendment - Friends of the Nature Center for new front entrance at Nature Center, 390

Budget Amendment - From Duke Energy reimbursement for automatic passenger counters for electric buses, 408
Budget Amendment - From NC Dept of Env Quality for Waste Reduction Outreach, 370
Budget Amendment - Governor's Highway Safety DWI 2019 grant, 215
Budget Amendment - Grant from US Tennis Association for impvts to Aston Park Tennis Center, 264
Budget Amendment - Grants for equity and inclusion programming, 410
Budget Amendment - HIDTA 2017 grant modification, 180, 213
Budget Amendment - HIDTA 2018 grant, 174
Budget Amendment - HIDTA 2018 grant modification, 228
Budget Amendment – HIDTA Grant, 432
Budget Amendment - Homeland Security Grant, 9
Budget Amendment - Hurricane Florence Reimbursement from NC Dept of Public Safety, 389
Budget Amendment - Ins recovery for Sanitation Truck, 249
Budget Amendment - Ins recovery funds for N Fork Water Treatment Plant, 82
Budget Amendment - Insurance recovery funds for APD vehicles, 379
Budget Amendment - JAG 2017, 110
Budget Amendment - Morris Street, 23
Budget Amendment - Move electric bus battery lease payment from one fund to the other, 409
Budget Amendment - N RAD Greenway Project, 182
Budget Amendment - NC Governor's Crime Commission for In-Car cameras, 25
Budget Amendment - NC Governor's Highway Safety Program for Bike Safe Grant, 431
Budget Amendment - Property on Broadway sale and conveyance of property, 418
Budget Amendment - Reimbursement from NC Dept of Crime Control & Public Safety for Haz Mat Response for 288 Lyman, 52
Budget Amendment - Reimbursement funds from insurance co for bus replacement from fire, 411
Budget Amendment - Reimbursement relief funds from NC Dept of Public Safety, 11
Budget Amendment - Repair John B. Lewis Soccer Field from flooding, 163
Budget Amendment - Resurfacing Stormwater Pipe Replacement, 114
Budget Amendment - S Charlotte St/Biltmore traffic signal upgrade, 7
Budget Amendment - Sec 5310 transit funds, 412
Budget Amendment - Senior Opp Center and Harvest House Senior Center Funds, 368
Budget Amendment - Solar Array Project on Transit Center, 349
Budget Amendment - Storm Control materials, 1
Budget Amendment - Thomas Wolfe Cabin, 262
Budget Amendment - To accept Sec 5339 funds FTA funds, 3
Budget Amendment - To include e-scooters in Bike Share Feasibility Study, 294
Budget Amendment - Town Branch Greenway, 112
Budget Amendment - Traffic signal upgrades, 178
Budget Amendment - Upgrades to Sport Court, 56
Budget Amendment - US Cellular Center, 17
Budget Amendment - USCC Facility renov and HVAC, 351
Budget Amendment - WNC Nature Center for Red Panda Exhibit, 54
Budget Amendment- Reimbursement from UNC-A for emergency standby, 245
Budget Amendment- Replacement fire trucks, 237
Budget Amendment- Transit pass through, 15
Buncombe County Transfer Station - Public hearing for conditional zoning amdt to 190 Hominy Creek for County Transfer Station, 232
Bus Shelter - Budget amendment from donation from Mission Hospital for bus shelter at Livingston Street, 413
Buses - Budget amendment for expenses for new Proterra electric bus purchases, 380
Buses - Weapons prohibited on buses, 433

Charter Amendment - For Council to be nominated and elected by all qualified voters, 446
Charter Amendment - For Council to provide results of elections determined by nonpartisan primary and elected method, 448
Chestnut Street, 301 E. - Public hearing for CZ amdt for Princess Anne Hotel at 301 E Chestnut St, 77
Chestnut Street, 301 E. - Public hearing to designate Princess Anne Hotel at 301 E Chestnut St as local historic landmark, 187
City Council – Ordinance to amend Charter for Council to be nominated and elected by all qualified voters, 446
City Council –Ordinance to amend Charter for Council to provide results of elections determined by nonpartisan primary and elected method, 448
Conditional Zoning - Public hearing for CZ amdt for Princess Anne Hotel at 301 E Chestnut St, 77
Conditional Zoning - Public hearing for CZ for UNC-A student housing on Founders Drive, 63
Conditional Zoning - Public hearing and denial for cz for 28 and 32 Maxwell and amdt to future land use map, 217
Conditional Zoning - Public hearing for amdt to 190 Hominy Creek for County Transfer Station, 232
Conditional Zoning - Public hearing for CZ amdt for 275 and 281 Hazel Mill Road, 266
Conditional Zoning - Public hearing for CZ at 155, 137, 129 and 123 Biltmore Avenue, 323
Conditional Zoning - Public hearing for CZ at 213 Long Shoals Road and Overlook Road Extension, 439
Conditional Zoning - Public hearing for CZ at 324 Biltmore Avenue, 314
Conditional Zoning - Public hearing for CZ for 20 Battery Park Ave known as Flat Iron Bldg, 394
Conditional Zoning - Public hearing for CZ for 3 Avon Rd, 353
Conditional Zoning - Public hearing for CZ for 39 Bradley Branch Road for Sweetgrass Apts, 70
Conditional Zoning - Public hearing for CZ for 430 McDowell Street and amdt to future land use map, 199
Conditional Zoning - Public hearing for CZ for 99999 North Bear Creek Road, 194
Conditional Zoning - Public hearing for CZ for 99999 Verda Vista Circle, 372
Conditional Zoning - Public hearing for CZ for portion of 252 Patton Avenue for Duke Substation, 285
Conditional Zoning - Public hearing for cz of 1 Brookside Circle, 27
Conditional Zoning - Public hearing for CZ of 99999 Ferry Rd, 277
Conditional Zoning - Public hearing on conditional zoning of 2360 Sweeten Creek Road, 401
Conditional Zoning – Public hearing to consider admt to conditions for 275 and 281 Hazel Mill Road, 298

C

Debt Refunding - Budget Amendment, 108
Deerfield Community - Budget amendment for affordable housing from Deerfield Community, 438
Demolition - 26 Lower Grassy Branch Road, 256
Development Services - Budget amendment for technology, 225
Developments, Hotel - Public hearing on temporary moratorium on on hotel development approvals within the City, 427
District Elections – Ordinance to amend Charter for Council to be nominated and elected by all qualified voters, 446
District Elections –Ordinance to amend Charter for Council to provide results of elections determined by nonpartisan primary and elected method, 448
Duke Energy - Public hearing for CZ for portion of 252 Patton Avenue for Duke Substation, 285

D

E.W. Grove Park - Budget amendment, 90
Eagle-Market Street - Budget Amendment for project payment, 258
Edward Byrne Justice of Assistance Grant - Budget Amendment, 430
Elections – Ordinance to amend Charter for Council to be nominated and elected by all qualified voters, 446
Elections –Ordinance to amend Charter for Council to provide results of elections determined by nonpartisan primary and elected method, 448
Electric Bus - Budget amendment to move electric bus battery lease payment from one fund to the other, 409
Electric Buses - Budget amendment for expenses for new Proterra electric bus purchases, 380
Emergency Solutions Grant - Budget Amendment, 19
Emma Road, 120 - Public hearing for rezoning 120 & 99999 Emma Rd, 414
Equity and Inclusion - Budget amendment from grants for equity and inclusion programming, 410
E-Scooters - Budget amendment to include e-scooters in Bike Share Feasibility Study, 294
E-Scooters – Regulating - Banning, 251

E

Fairview Road - Budget amendment for connectivity impvts for The District on Fairview Road, 13
Federal Transit Admin - Budget amdt for Sec 5307 funds, 437
Federal Transit Admin - Budget amendment for Sec 5310 funds, 5
Federal Transit Admin - Budget amendment to accept Sec 5339 funds, 3
Fees & Charges - Adopted Water Dept System Maint & Cap Fees Analysis and amend fee, 106
Fees & Charges - Adoption of FY 18-19 fees and charges, 40
Fees & Charges - Changes to parking garage fees, 58
Fees & Charges - FY 19-20 Manual adopted, 362
Fees & Charges Manual - Amended Aston Park Tennis Center fees & charges, 21
FEMA - Budget amendment for Assistance to Firefighters Grant, 241
FEMA - Budget amendment for Staffing for Adequate Fire & Emergency Response Grant, 243
Ferry Road, 99999 - Public hearing for CZ of 99999 Ferry Rd, 277
Fire Dept - Accept funds from FM Global for Sparky the Dog costume, 247
Fire Trucks - Budget Amendment, 237
Flat Iron Building - Public hearing for CZ for 20 Battery Park Ave known as Flat Iron Bldg, 394
Founders Drive - Public hearing for CZ for UNC-A student housing on Founders Drive, 63
Franchise - Amdt to pedal bicycle taxi franchise of Here to There, 84
Franchise – First reading of franchise with Tuk It LLC for electric vehicle shuttle service, 165
French Broad MPO - Budget amendment for bike and ped counting equipment, 260
Friends of the Nature Center - Budget amendment for new front entrance at Nature Center, 390

F

Givens Estate - Public hearing on conditional zoning of 2360 Sweeten Creek Road, 401
Governor's Highway Safety - Budget amendment for DWI 2019 grant, 215
Guns - Prohibited on buses, 433

G

Harvest House - Budget amendment for Senior Center Funds, 368
Haywood Street, 339 West – Public hearing to rezone 339 West Haywood St, 92
Hazel Mill Road - Speed Limit change on portion, 186
Hazel Mill Road, 275 and 281 - Public hearing for CZ amdt for 275 and 281 Hazel Mill Road, 266
Hazel Mill Road, 275 and 281 – Public hearing to consider admt to conditions for 275 and 281 Hazel Mill Road, 298
Hendersonville Road, 402 - Public hearing to rezone 402 Hendersonville Rd and 349 Reed Street and amend future land use map, 190
Here to There Adventures - Amdt to pedal bicycle taxi franchise of Here to There, 84
High Impact Drug Trafficking Area Grant - Budget Amendment, 432
Historic Landmark, Local - Public hearing to designate Princess Anne Hotel at 301 E Chestnut St as local historic landmark, 187
Historic Resources Commission - UDO amdt to UDO for HRC review of subdivision in historic overlay districts, 337
Homeland Security Grant - Budget amendment from grant received, 9
Hotel Developments - Public hearing on temporary moratorium on on hotel development approvals within the City, 427
Housing Code - Additional enforcement efforts for 460-1/2 Booker Street, 227
Human Relations Commission of Asheville - Established, 35
Hurricane Florence - Budget amendment from NC Dept of Public Safety for Hurricane Florence reimbursement, 389

H

Insurance - Budget amendment for ins recovery funds for N Fork Water Treatment Plant, 82
Insurance - Budget amendment for insurance recovery for Sanitation Truck, 249
Insurance - Budget amendment of insurance recovery funds for APD vehicles, 379
Insurance - Budget amendment to accept reimbursement of insurance funds, 296

I

John B. Lewis Soccer Field - Budget amendment
for flooding, 163

J

Kent Street - Public hearing t rezone 99999 Kent St, 95

K

Lakeside Drive, 99999 - Public hearing for rezoning 99999 Lakeside Dr, 424
Land Use Map - Public hearing and denial for cz for 28 and 32 Maxwell and amdt to future land use map, 217
Land Use Map - Public hearing for CZ for 430 McDowell Street and amdt to future land use map, 199
Land Use Map - Public hearing to rezone 402 Hendersonville Rd and 349 Reed Street and amend future land use map, 190
Lee Walker Heights - Budget Amendment for disbursement of funds for Lee Walker Heights, 347
Legal Services - Budget amendment, 283
Lighting - Public hearing for amdt for outdoor lighting standards, 171
Long Shoals Road, 213 - Public hearing for CZ at 213 Long Shoals Road and Overlook Road Extension, 439
Lower Grassy Branch Road, 26 - Demolition, 256
Lyman Street - Speed limit reduced along section, 293
Lyman Street, 288 - Budget amendment for reimbursement from NC Dept of Crime Control & Public Safety for Haz Mat Response for 288 Lyman, 52

L

Martin Luther King Jr. Drive - Speed Limit change on portion, 186
Maxwell Street, 28 and 32 - Public hearing and denial for cz for 28 and 32 Maxwell and amdt to future land use map, 217
McDowell Street, 430 - Public hearing for CZ for 430 McDowell Street and amdt to future land use map, 199
Mission Hospital - Budget amendment from donation from Mission Hospital for bus shelter at Livingston Street, 413
Moratorium - Public hearing on temporary moratorium on on hotel development approvals within the City, 427
Morris Street - Budget Amendment, 23

M

Nature Center - Budget amendment from Friends of the Nature Center for new front entrance at Nature Center, 390
NC Dept of Env Quality - Budget amendment for Waste Reduction Outreach, 370
NC Dept of Public Safety - Budget amendment for Hurricane Florence reimbursement, 389
NC Governor's Crime Commission - Budget amendment for In-Car cameras, 25
NC Governor's Highway Safety Program - Budget amendment for Bike Safe Grant, 431
North Bear Creek Road - Speed Limit change on portion, 186
North Bear Creek Road, 99999 - Public hearing for CZ for 99999 North Bear Creek Road, 194
North Fork - Budget amendment for ins recovery funds for N Fork Water Treatment Plant, 82

N

Overlook Road, 433 - Public hearing for CZ at 213 Long Shoals Road and Overlook Road Extension, 439

Parking Fines - Increased, 239
Parking Garage Fees - Changes to parking garage fees, 58
Parking Garages - budget amendment for parking garages elevators renov, 321
Patton Avenue, 252 - Public hearing for CZ for portion of 252 Patton Avenue for Duke Substation, 285
Pedal Bike Taxi Service - Amdt to franchise of Here to There, 84
Police Department - Accepted additional grant funds from National Drug Control Policy for HITDTA, 311
Police Department - Budget Amendment for JAG 2017, 110
Princess Anne Hotel - Public hearing for CZ amdt for Princess Anne Hotel at 301 E Chestnut St, 77
Princess Anne Hotel - Public hearing to designate Princess Anne Hotel at 301 E Chestnut St as local historic landmark, 187
Public Hearing - Admt to conditions for 275 and 281 Hazel Mill Road, 298
Public Hearing - Conditional zoning of 1 Brookside Circle, 27
Public Hearing - Rezoning for 99999 Lakeside Dr, 424
Public Hearing - Rezoning of 940 W Chapel Rd, 420
Public Hearing - Rezoning of 990 Sweeten Creek Road, 391
Public Hearing - Temporary moratorium on on hotel development approvals within the City, 427

P

Reed Street, 349 - Public hearing to rezone 402 Hendersonville Rd and 349 Reed Street and amend future land use map, 190
Rezoning - Public hearing for rezoning 120 & 99999 Emma Rd, 414
Rezoning - Public hearing for rezoning 99999 Lakeside Dr, 424
Rezoning - Public hearing for rezoning of 940 W Chapel Rd, 420
Rezoning - Public hearing t rezone 99999 Kent St, 95
Rezoning - Public hearing to rezone 339 West Haywood St, 92
Rezoning - Public hearing to rezone 402 Hendersonville Road and 349 Reed St and amend land use map, 190
Rezoning - Public hearing to rezone 647 and formerly 647 Brevard Road, 210
River Arts District Greenway Project, North - Budget amendment, 182
Riverside Drive - Speed limit reduced along section, 293

R

Section 5307 Funds - Budget amendment, 437
Senior Opportunity Center - Budget amendment for Senior Center Funds, 368
Shuttles – First reading of franchise with Tuk It LLC for electric vehicle shuttle service, 165
Speed Limit - Reduced along Lyman and Riverside Dr, 293
Speed Limits - Change on portions of Hazel Mill Road, Martin Luther King Jr. Drive, and North Bear Creek Road, 186
Speed Limt - Reduced on Amboy Rd, 419
Sport Court - Budget amendment, 56
Stormwater Pipe Replacement - Budget amendment for stormwater, 114
Sweeten Creek Road, 2360 - Public hearing on conditional zoning of 2360 Sweeten Creek Road, 401
Sweeten Creek Road, 990 - Public hearing to rezone 990 Sweeten Creek Road, 391
Sweetgrass Apts - Public hearing for CZ for 39 Bradley Branch Road for Sweetgrass Apts, 70
Sycamore Drive - Through trucks prohibited on Sycamore from Sweeten Ck Rd to Hendersonville Rd, 313

S

The District - Budget amendment for connectivity impvts for The District on Fairview Road, 13
Thomas Wolfe Cabin - Budget Amendment, 262
Tourism Development Product Development - Budget amendment from TPD Funds grant, 309
Towing - Amdt, 205
Town Branch Greenway - Budget amendment, 112
Traffic signal Upgrades - Budget Amendment, 178
Transit - Budget amdt from Duke Energy reimbursement for automatic passenger counters for electric buses, 408
Transit - Budget amendment for expenses for new Proterra electric bus purchases, 380
Transit - Budget Amendment for pass through funds, 15
Transit - Budget amendment for reimbursement funds from insurance co for bus replacement from fire, 411
Transit - Budget amendment for Sec 5310 transit funds, 412
Transit Center - Budget amendment for Solar Array Project, 349
Trucks - Through trucks prohibited on Sycamore from Sweeten Ck Rd to Hendersonville Rd, 313
Tuk It LLC – First reading of franchise with Tuk It LLC for electric vehicle shuttle service, 165

UDO - Amdt to UDO for HRC review of subdivision in historic overlay districts, 337
UDO - Public hearing for amdt for outdoor lighting standards, 171
UNC-A - Public hearing for CZ for UNC-A student housing on Founders Drive, 63
UNC-Asheville - Budget amendment for reimbursement from UNC-A for emergency standby, 245
US Cellular Center - Budget amendment, 17
US Cellular Center - Budget Amendment for renov and HVAC, 351
US Tennis Association - Budget amdt for grant for impvts to Aston Park Tennis Center, 264
US Tennis Association - Grant for impvts to Aston Park Tennis Center, 264

U

Verde Vista Circle, 99999 - Public hearing, 372

V

Waste Reduction Outreach - Budget amendment from NC Dept of Env Quality, 370
Water Department - Adopted Water Dept System Maint & Cap Fees Analysis and amend fee, 106
Water Resources Policy Manual - Re-Adopted, 116
Weapons - Prohibited on buses, 433
West Chapel Road, 940 - Public hearing for rezoning of 940 W Chapel Rd, 420
WNC Nature Center - Budget amendment for Red Panda Exhibit, 54

ORDINANCE NO. 4649

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 13th day of February, 2018.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

PURPOSE: Storm control materials

Magdalen Burleson
City Clerk

2

CITY OF ASHEVILLE

BUDGET AMENDMENT

2017/18	2/13/2018
FISCAL YEAR	EFFECTIVE DATE

Purpose: To purchase additional Storm Control materials.

Requesting Department: Public Works

Amendment to: General Fund

	Account	Current Budget	Amended Budget	Increase (Decrease)
Revenues				
11000032-499100	Appropriated Fund Balance	$ 441,000	$ 902,212	$ 461,212
Expenditures				
11003006-524101	Materials	$ 185,282	$ 646,494	$ 461,212
BALANCE				$ -

ORDINANCE NO4650

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and in effect upon the date of final passage.

Read, approved and adopted this 13th day of February, 2018.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: Replacement batteries for hybrid transit buses

Magdalen Burleson
City Clerk

4

CITY OF ASHEVILLE

BUDGET AMENDMENT

2017/18	2/13/2018
FISCAL YEAR	EFFECTIVE DATE

Purpose: To accept funding from the Federal Transit Administration (FTA) Section 5339 for hybrid bus batteries.

Requesting Department: Transportation

Amendment to: Transit Multi-Year Fund

	Account	Current Budget	Amended Budget	Increase (Decrease)
Revenues				
65100950-435500-T18xx	Restricted Intergov Federal Grants	$ -	$ 267,500	$ 267,500
Expenditures				
65100950-524101-T18xx	Materials	$ -	$ 267,500	$ 267,500
BALANCE				$ -

CRDINANCE NO. 4651

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and in effect upon the date of final passage.

Read, approved and adopted this 13th day of February, 2018.

Magdalen Bowlerson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: FTA Program Section 5310

Magdalen Bowlerson
City Clerk

6.

CITY OF ASHEVILLE

BUDGET AMENDMENT

FISCAL YEAR	EFFECTIVE DATE
2017/18	2/13/2018

Purpose: To accept grant funding from the Federal Transit Administration (FTA) for transit services to improve mobility for seniors and individuals with disabilities by removing transportation barriers.

Requesting Department: Transportation

Amendment to: Transit Multi-Year Fund

Account		Current Budget	Amended Budget	Increase (Decrease)
Revenues				
65100950-435500-T18xx	Restricted Intergov Federal Grants	$ - .00	$ 144,629.00	$ 144,629.00
65190950-498636-T18xx	Operating Transfers Transit Operating	$ - .00	$ 7,875.00	$ 7,875.00
Expenditures				
65100950-524101-T18xx	Materials	$ - .00	$ 39,375.00	$ 39,375.00
65100950-527102-T18xx	Transit Pass Through Grant	$ - .00	$ 113,129.00	$ 113,129.00
BALANCE				**$ - .00**

Revision to: Transit Fund

Account		Current Budget	Amended Budget	Increase (Decrease)
Expenditures				
65000951-571002	Fleet Fuel Charges	$ 558,350.00	$ 550,475.00	$ 7,875.00
65090950-800651	Transfer to Transit Capital Fund	$ - .00	$ 7,875.00	$ 7,875.00
BALANCE				**$ - .00**

ORDINANCE NO. 4652

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made a part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 13th day of February, 2018.

Magdalen Burleson
City Clerk

Edwin G. Marcus
Mayor

Approved as to form:

City Attorney

PURPOSE: This Budget Amendment is to establish a contract with Green Light Electric, Inc of Weaverville, NC for construction services on the project Charlotte St/ Biltmore Ave. signal upgrade. City of Asheville Project 298-T1101.

Magdalen Burleson
City Clerk

8

CITY OF ASHEVILLE			BUDGET AMENDMENT	
			2017/18	2/13/2018
			FISCAL YEAR	EFFECTIVE DATE
Purpose:	To fund installation of pedestrian signal upgrades at S Charlotte St and Biltmore Ave			
Requesting Department:	Capital Projects			
Amendment to:	General Capital Projects Fund			
	Account	**Current Budget**	**Amended Budget**	**Increase (Decrease)**
Revenues				
41092152-498100-T1101	Operating Transfers from General Fund	$ 13,063	$ 29,063	$ 16,000
Expenditures				
41002152-616102-T1101	Construction	$ 162,337	$ 178,337	$ 16,000
BALANCE				$ -

ORDINANCE NO. 4653

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 27th day of February, 2018.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: Homeland Security Grant

Magdalen Burleson
City Clerk

10

CITY OF ASHEVILLE

BUDGET AMENDMENT

FISCAL YEAR	EFFECTIVE DATE
2017/2018	2/27/2018

Amendment to	____ Operating X Capital or Grant (Special Revenue)
Purpose	Homeland Security Grant for AFD Deployable Communications Resource Enhancement
Requesting Department	Fire Department

				Beginning Budget	New Budget	Increase or Decrease By
Fund	Grant Fund					
Revenue	Restricted Intergov Fed Funds					
Acct #	22000110	435000	Fxxx	0.00	30,000.00	30,000.00
	Org	Obj	Project			
Fund	Grant Fund					
Expend.	Machine & Equipment					
Acct #	22000110	614101	Fxxx	0.00	30,000.00	30,000.00
	Org	Obj	Project			
Fund						
Revenue						
Acct #	00000000	000000	A000			0.00
	Org	Obj	Project			
Fund						
Expend.						
Acct #	00000000	000000	A000			0.00
	Org	Obj	Project			

BALANCE 0.00

ORDINANCE NO. 4654

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 27th day of February, 2018.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: Reimbursement Funds from Hurricane Irma and Hurricane Harvey Relief Aid

Magdalen Burleson
City Clerk

12

CITY OF ASHEVILLE

BUDGET AMENDMENT

FISCAL YEAR	EFFECTIVE DATE
2017/18	2/27/2018

Amendment to	X **Operating** _____ **Capital or Grant (Special Revenue)**

Purpose	Reimbursement funds resulting from Staff deployment to Texas during Tropical Storm Harvey to support Helo-Aquatic Rescue efforts and staff deployment to Buncombe County to support North Carolina Task Force 2 operations during Hurricane Irma

Requesting Department	Fire Department

				Beginning Budget	New Budget	Increase or Decrease By
Fund	General Fund					
Revenue	Reimbursement					
Acct #	11000111	488012	A000			
	Org	Obj	Project	0.00	5,386.08	5,386.08
Fund	General Fund					
Revenue	Reimbursement					
Acct #	11000111	488012	A000			
	Org	Obj	Project	0.00	12,062.27	12,062.27
Fund	General Fund					
Expend.	Compensation-Overtime					
Acct #	110000111	511004	A000			
	Org	Obj	Project	950,000.00	967,448.35	17,448.35
Fund						
Revenue						
Acct #	00000000	000000	A000			
	Org	Obj	Project			0.00
Fund						
Expend.						
Acct #	00000000	000000	A000			
	Org	Obj	Project			0.00
					BALANCE	0.00

ORDINANCE NO. 4655

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 27th day of February, 2018.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

PURPOSE: Connectivity Improvements at "The District"

Magdalen Burleson
City Clerk

14

CITY OF ASHEVILLE			BUDGET AMENDMENT	
			2017/18	2/27/2018
			FISCAL YEAR	EFFECTIVE DATE
Purpose:	to appropriate funding received from the applicant for connectivity improvements near the mixed-use development known as "The District."			
Requesting Department:	Capital Projects			
Amendment to:	General Capital Projects Fund			
	Account	Current Budget	Amended Budget	Increase (Decrease)
Revenues				
41000231-483309-K1607	Private Participation Revenue	$ -	$ 200,000	$ 200,000
Expenditures				
41000231-521023-K1607	In-House Labor	$ -	$ 13,750	$ 13,750
41000231-522010-K1607	Utility Relocation	$ -	$ 20,000	$ 20,000
41000231-528013-K1607	Contingency	$ -	$ 17,500	$ 17,500
41000231-594001-K1607	Public Art Allocation	$ -	$ 2,000	$ 2,000
41000231-616102-K1607	Construction	$ -	$ 146,750	$ 146,750
BALANCE				$ -

ORDINANCE NO. 4656

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 27th day of February, 2018.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

PURPOSE: Transit Pass Through Funding

Magdalen Burleson
City Clerk

.16

CITY OF ASHEVILLE	BUDGET AMENDMENT	
	2017/18	2/27/2018
	FISCAL YEAR	EFFECTIVE DATE

Purpose: To move the revenue and expense budgets for pass through funding that is received from the Federal Transit Administration (FTA) from the Transit Operating Fund to the Transit Multi-Year Fund.

Requesting Department: Transportation

Amendment to: Transit Multi-Year Fund

	Account	Current Budget	Amended Budget	Increase (Decrease)
Revenues				
65190950-435507-T18xx	Restricted Intergov Federal FTA - Pass Through	$ - .00	$ 1,062,500.00	$ 1,062,500.00
Expenditures				
65100950-527102-T18xx	Transit Pass Through Grant	$ - .00	$ 1,062,500.00	$ 1,062,500.00
BALANCE				**$ - .00**

Revision to: Transit Fund

	Account	Current Budget	Amended Budget	Increase (Decrease)
Revenues				
65009500-435507	Restricted Intergov Federal FTA - Pass Through	$1,062,500.00	$ - .00	$ (1,062,500.00)
Expenditures				
65000950-527102	Transit Pass Through Grant	$1,062,500.00	$ - .00	$ (1,062,500.00)
BALANCE				**$ - .00**

ORDINANCE NO. 4657

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 13th day of March, 2018.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

PURPOSE: US Cellular Center

Magdalen Burleson
City Clerk

18

CITY OF ASHEVILLE

BUDGET AMENDMENT

2017/18	2/27/2018
FISCAL YEAR	EFFECTIVE DATE

Purpose: To reflect additional bookings and associated expenses at the US Cellular Center

Requesting Department: Community & Economic Development

Amendment to: Civic Center Fund

	Account	Current Budget	Amended Budget	Increase (Decrease)
Revenues				
62600900-450313	Rents - Facility Fees	$ 225,000	$ 325,000	$ 100,000
62600903-450358	Ticket Office	$ 280,000	$ 430,000	$ 150,000
62600904-450405	Catering	$ 21,000	$ 121,000	$ 100,000
62600904-450507	Concessions	$ 190,000	$ 315,000	$ 125,000
62600904-450508	Concessions	$ 535,000	$ 710,000	$ 175,000
62600904-450511	Novelty Sales	$ 60,000	$ 135,000	$ 75,000
Expenditures				
62600901-511003	Temp/Seasonal	$ 120,000	$ 220,000	$ 100,000
62600900-521001	Contracted Services	$ 201,915	$ 326,915	$ 125,000
62600902-511004	Overtime	$ 12,000	$ 37,000	$ 25,000
62600904-526202	Purchase for Resale	$ 185,000	$ 310,000	$ 125,000
62600904-526203	Purchase for Resale	$ 74,000	$ 174,000	$ 100,000
62600904-526204	Purchase for Resale	$ 198,142	$ 298,142	$ 100,000
62600904-528016	Show Settlement	$ 180,000	$ 330,000	$ 150,000
BALANCE				**$ -**

ORDINANCE NO. 4658

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 13th day of March, 2018.

Magdalen Bourleson
City Clerk

Esther G. Manheimer
Mayor

Approved as to form:

City Attorney

PURPOSE: Additional Emergency Solutions Grant Funds

Magdalen Bourleson
City Clerk

20

CITY OF ASHEVILLE	BUDGET AMENDMENT	
	2017/18	2/13/2018
	FISCAL YEAR	EFFECTIVE DATE

Purpose: Adjust budget of 2018 Emergency Solutions Grant to awarded amount

Requesting Department: Community & Economic Development

Amendment to: Grant Fund

	Account	Current Budget	Amended Budget	Increase (Decrease)
Revenues				
22004207-435000-D1802	Restricted Grants	$ 45,342	$ 85,198	$ 39,856
Expenditures				
22004207-528013-D1802	Contingencies	$ 45,342	$ 85,198	$ 39,856
BALANCE				**$ -**

ORDINANCE NO. 4659

ORDINANCE AMENDING THE ASTON PARK TENNIS CENTER FEES AND CHARGES

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the Aston Park Tennis Center fees and charges, attached to and made a part of this ordinance, be adopted.

That this ordinance shall be in full force and effect upon March 20, 2018.

Read, approved and adopted this 20th day of March, 2018.

Magdalen Bouleson
CITY CLERK

Esther Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bouleson

22

	Current Fee	Proposed New Fee	Change
ASTON PARK TENNIS CENTER			
Season Pass			
Youth 18-22 City Resident	n/a	$199.00	New
Adult City Resident	$437.50	$399.00	-$38.50
Senior City Resident	$355.00	$299.00	-$56.00
Resident Family	$675.00	$599.00	-$76.00
Senior Resident Family	$550.00	$499.00	-$51.00
Youth 18-22 Non-Resident	n/a	$299.00	New
Adult Non-Resident	$562.50	$499.00	-$63.50
Senior Non-Resident	n/a	$399.00	Reinstated
Family Non-Resident	$875.00	$799.00	-$76.00
Senior Non-Resident Family	n/a	$599.00	Reinstated
Children 0-17	Free	Free	n/a
Hourly Pass			
Youth 18-22 City Resident	$5.00	$5.00	-
Adult City Resident	$5.00	$7.00	$2.00
Senior City Resident	$5.00	$6.00	$1.00
Youth 18-22 Non-Resident	$7.00	$7.00	-
Adult Non-Resident	$7.00	$9.00	$2.00
Senior Non-Resident	$7.00	$8.00	$1.00
Children 0-17	Free	Free	n/a

ORDINANCE NO. 4660

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 10th day of April, 2018.

Magdalena Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

PURPOSE: Budget amendment in the Stormwater Capital Fund to appropriate the required budget to fund construction Morris Street Stormwater Improvement Project.

Magdalena Burleson
City Clerk

24

CITY OF ASHEVILLE	BUDGET AMENDMENT	
	2017/18	4/10/2018
	FISCAL YEAR	EFFECTIVE DATE

Purpose: To Improve Stormwater Infrastructure on Morris Street

Requesting Department: Public Works Storm Water Division

Amendment to: Stormwater Capital Fund

Account		Current Budget	Amended Budget	Increase (Decrease)
Revenues				
62590320-498639-S1603	Transfer from Stormwater Operating Fund	$ 750,000	$ 1,077,318	$ 327,318
Expenditures				
62500320-615101-S1603	Infrastructure	$ 719,373	$ 1,046,691	$ 327,318
BALANCE				$ -

Revision to: Stormwater Operating Fund

Account		Current Budget	Amended Budget	Increase (Decrease)
Expenditures				
62400320-521002	Professional Services	$ 492,733.99	$ 309,799.49	$ (182,934.50)
62490320-800625	Transfer to Stormwater Capital Fund	$ 1,135,500.00	$ 1,318,434.50	$ 182,934.50
BALANCE				**$ - .00**

ORDINANCE NO. 4661

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 10th day of April, 2018.

Magdalen Bouleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

PURPOSE: Fleet Dashboard Camera Systems

Magdalen Bouleson
City Clerk

26

CITY OF ASHEVILLE

BUDGET AMENDMENT

2017/18	4/10/2018
FISCAL YEAR	EFFECTIVE DATE

Purpose: To accept funds awarded through the NC Governor's Crime Commission's State Appropriation Committee—Local Solicitation for a state-issued matching grant, to purchase fleet dashboard camera systems.

Requesting Department: Police

Amendment to: Grant Fund

	Account	Current Budget	Amended Budget	Increase (Decrease)
Revenues				
22000120-436000-P1801	Restricted Intergov State Grants	$ -	$ 56,950	$ 56,950
22090120-498401-P1801	Operating Transfer from General Capital Projects Fund	$ -	$ 56,950	$ 56,950
Expenditures				
22000120-524101-P1801	Materials	$ -	$ 113,900	$ 113,900
BALANCE				$ -

Revision to: General Capital Projects Fund

	Account	Current Budget	Amended Budget	Increase (Decrease)
Expenditures				
41000120-614101-G1801	Machinery & Equipment	$ 192,000	$ 135,050	$ (56,950)
41090120-800220-G1801	Transfer to Grant Fund	$ -	$ 56,950	$ 56,950
BALANCE				$ -

ORDINANCE NO. 4662

ORDINANCE ESTABLISHING CONDITIONAL ZONING FOR PROPERTY LOCATED AT 1 BROOKSIDE CIRCLE

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this proposed amendment is consistent with the City's 2025 Comprehensive Plan, Smart Growth policies, and other official plans of the City and is determined to be to be reasonable and in the public interest for the following reasons:

a) The project provides much needed affordable housing; and

b) The development is well located such that residents will have good access to schools, community services and commercial businesses.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

The zoning classification of that certain real property described in Exhibit A and identified on Buncombe County tax maps as PIN 9617.34-3650 recorded in Deed Book 007E, Page 0027 and currently owned by Douglas Glenn and Lisa Kay Nicholson from Residential Multifamily Low Density (RM-6) to Residential Expansion Conditional Zoning District (RES EXP-CZ). A copy of the official zoning map showing said lot is attached hereto as Exhibit "A" and made a part hereof. Said rezoning is subject to the conditions set out in Exhibit "B.1", and substantially complies with the site plans shown in Exhibit "C", both attached hereto and made a part hereof.

28.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. The ordinances shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 5. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 10th day of April, 2018.

Magdalen Bouleson
City Clerk

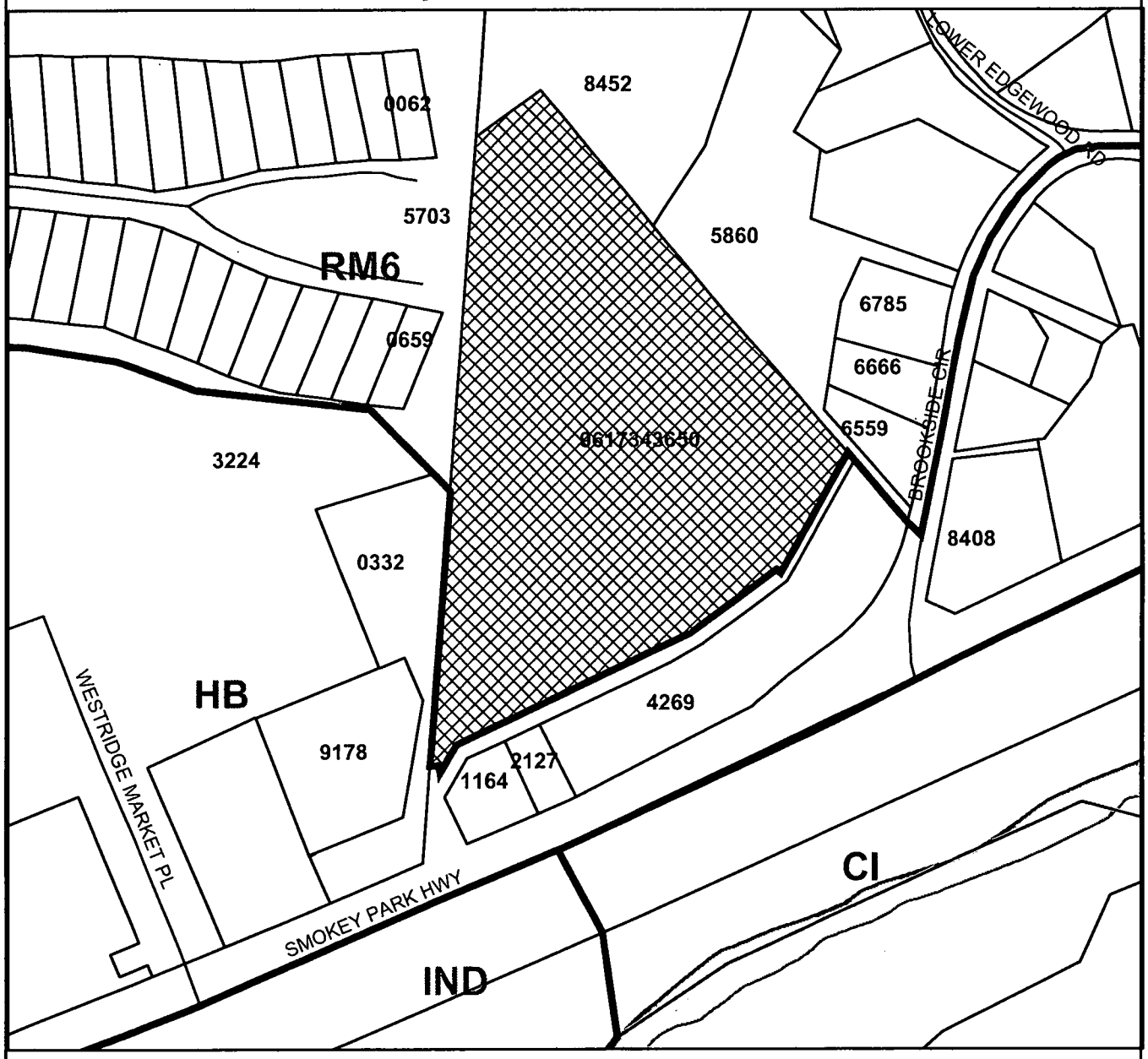
Esther E. Manheimer
Mayor

Approved as to form:

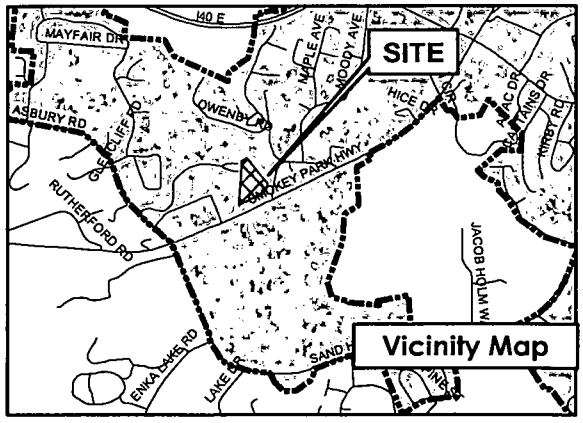
City Attorney

Magdalen Bouleson

City of Asheville - Exhibit A Map
Conditional Zoning Review
Amaranth Apartments - 1 Brookside Circle



Project Name: Amaranth Apts
Project Number: 17-08807 PZ
Project Description: 70 apartments and clubhouse
Petitioner(s): Workforce Homestead Inc.
Parcel ID Number(s): 9617-34-3650 and a portion of 9617-34-0332
Location/Address: 1 Brookside Circle



Project Site
Parcels
Zoning Districts
Asheville City Limits
Streets
Streams

City of Asheville Planning and Urban Design Department - February 2018

30

B-1 Conditions
Amaranth Apartments

1. The zoning for the property is Residential Expansion – Conditional Zone (RES EXP-CZ).

2. The approval is for 70 apartments in three buildings, one clubhouse and a maximum parking ratio of 1.5 spaces per unit.

3. All 70 units will be affordable to people at or below 60% of AMI for a period of 30 years. The rent and income shall follow the Affordable and Workforce Housing Standards determined annually by the City of Asheville Community Development Department. An Affordable Housing Deed Restriction will be provided by the City and shall be filed and recorded by the applicant/property owner in the Buncombe County Register of Deeds prior to the project receiving the final zoning permit.

4. The apartments will be built on a parcel consisting of 5.89 acres, PIN 9617-34-3650, as indicated on the Exhibit A map and site plan which are attached hereto and incorporated herein by reference.

5. There will be a private, recorded road through the adjacent parcel, PIN 9617-34-0332, to provide access to the site. This parcel, PIN 9617-34-0332, will continue to be zoned Highway Business.

6. The sidewalks in front of and connecting the apartment buildings and clubhouse shall be 7 feet wide as indicated on the site plan. The street sidewalk connecting the apartment buildings and shopping center shall have a varying grass strip width between the back of curb and edge of sidewalk as depicted on the site plan.

7. There must be at least 38,485 square feet (15% of project site) of open space, with landscape features as indicated on the approved site plan, which is incorporated herein by reference.

8. Landscaping will meet the requirements of the UDO and includes building impact landscaping, vehicular use area landscaping, and dumpster screening as indicated on the approved landscape plan, which is incorporated herein by reference.

9. The height of the buildings shall not exceed four stories.

10. Developer to provide an opaque fence with 5x5 inch posts, 72 inch high panels and be 90 inches long, post-to-post, to run the entirety of the property line between the Brigadoon subdivision and the new development. Fence will comply with Unified Development Ordinance standards for fences within a setback area.

11. The building design site design, construction materials, and orientation on site must substantially comply with the approved site plan, which is incorporated herein by reference. Any major deviations from these plans will require a rezoning by the City Council.

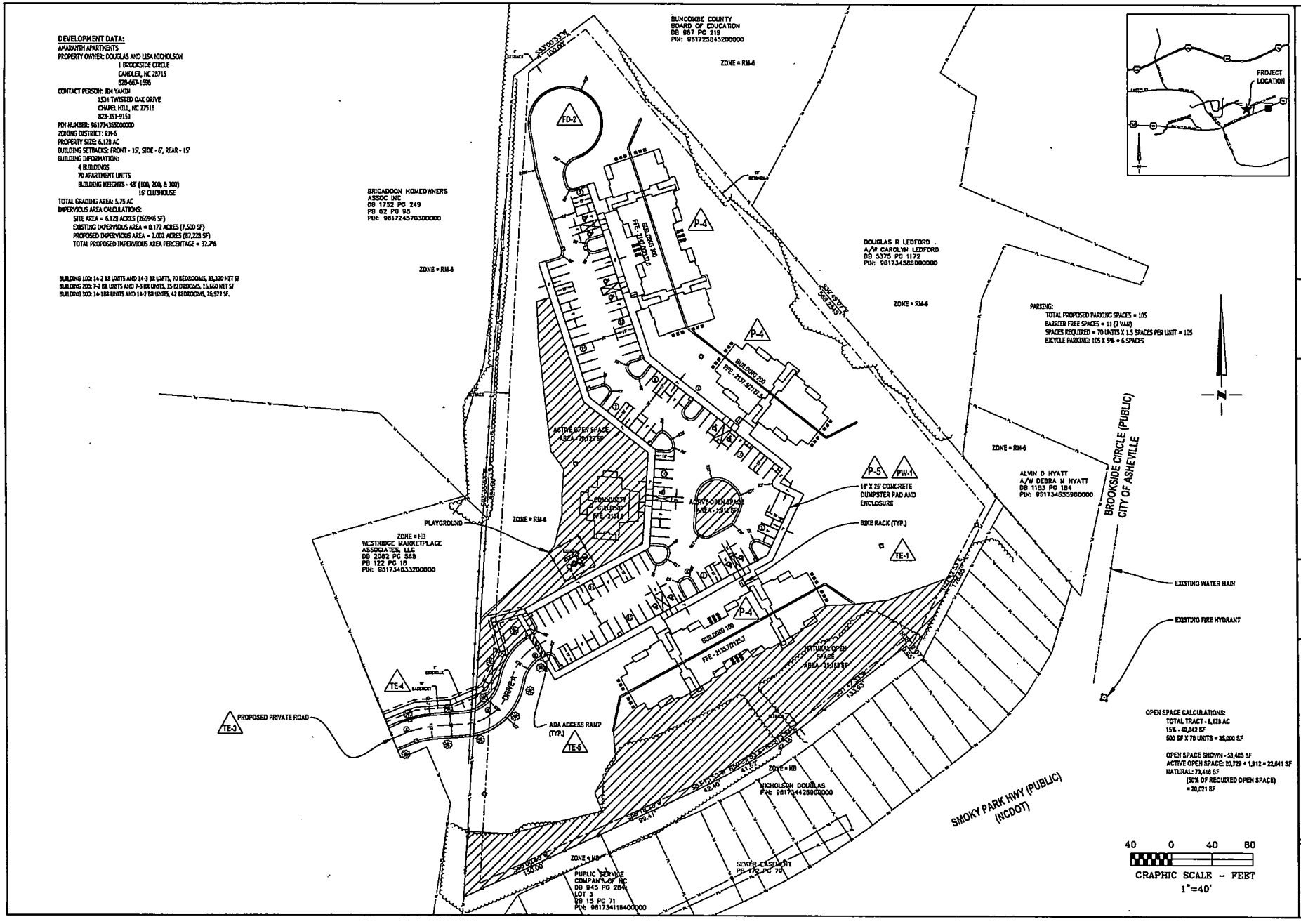
12. All exterior lighting shall comply with the Unified Development Ordinance.

13. All legally required local, state, and federal permits and approvals must be obtained prior to initiation of construction and any pertinent legal requirements shall be met.

32.

DEVELOPMENT DATA:
AMARANTH APARTMENTS
PROPERTY OWNER: DOUGLAS AND LISA NICHOLSON
1 BROOKSIDE CIRCLE
CANDLER, NC 28715
828-667-1696
CONTACT PERSON: JIM YANDI
1534 TWISTED OAK DRIVE
CHAPEL HILL, NC 27516
829-351-9151
PIN NUMBER: 9617343650000000
ZONING DISTRICT: RM-6
PROPERTY SIZE: 6.128 AC
BUILDING SETBACKS: FRONT - 15', SIDE - 6', REAR - 15'
BUILDING INFORMATION:
4 BUILDINGS
70 APARTMENT UNITS
BUILDING HEIGHTS - 45' (100, 200, & 300)
15' CLUBHOUSE
TOTAL GRADING AREA: 5.75 AC
IMPERVIOUS AREA CALCULATIONS:
SITE AREA = 6.128 ACRES (266946 SF)
EXISTING IMPERVIOUS AREA = 0.172 ACRES (7,500 SF)
PROPOSED IMPERVIOUS AREA = 2.002 ACRES (87,228 SF)
TOTAL PROPOSED IMPERVIOUS AREA PERCENTAGE = 32.7%

BUILDING 100: 14-2 BR UNITS AND 14-3 BR UNITS, 70 BEDROOMS, 33,320 NET SF
BUILDING 200: 7-2 BR UNITS AND 7-3 BR UNITS, 35 BEDROOMS, 16,660 NET SF
BUILDING 300: 14-1BR UNITS AND 14-2 BR UNITS, 42 BEDROOMS, 26,973 SF.



WEST CONSULTANTS PLLC
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www.west-consultants.com

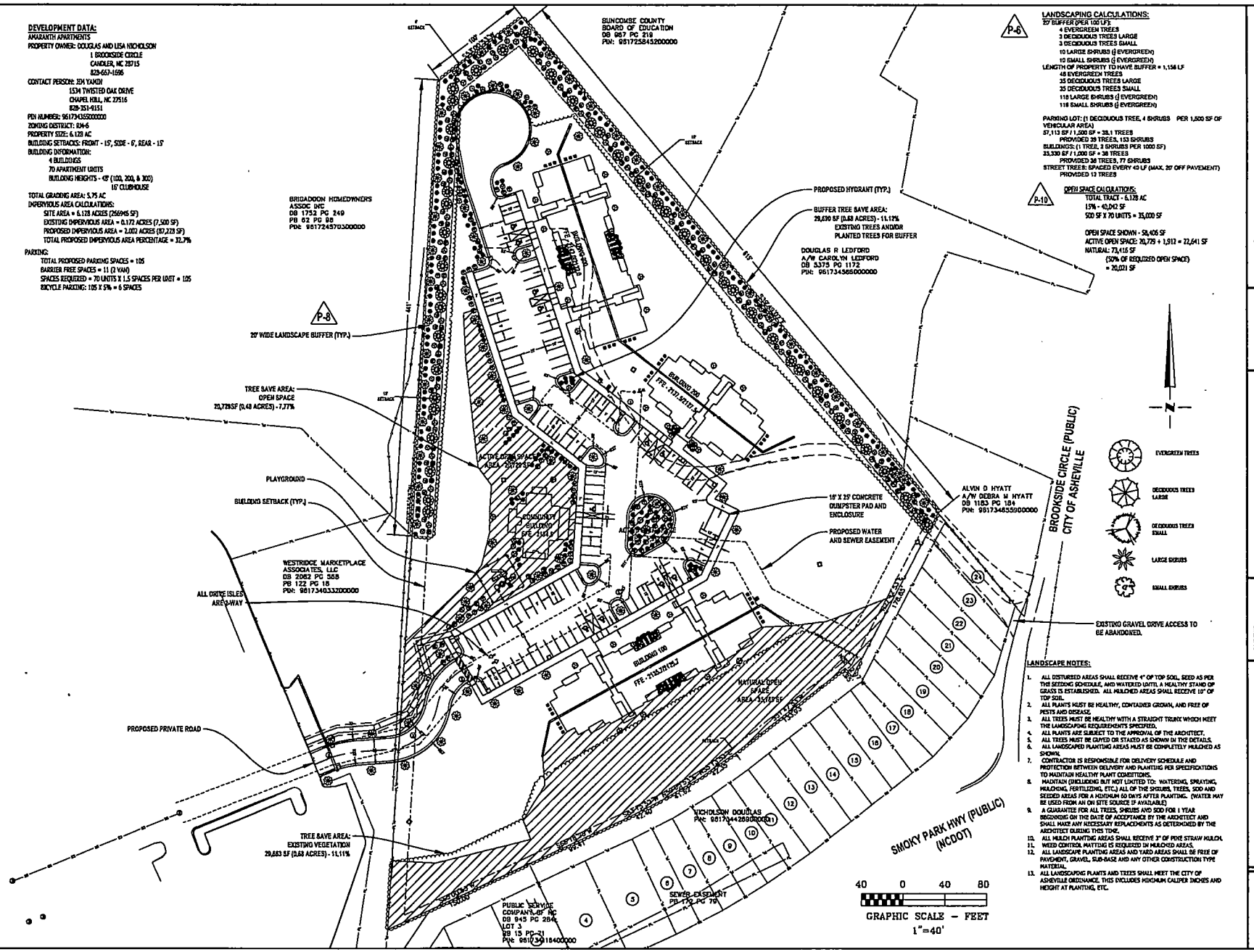
SITE LAYOUT, MATERIALS & ZONING PLAN

PROJECT NO.: 17181
DRAWN BY: S.A.B. REVISED
DATE: 9-10-2018
CHECK BY:
REVISION:
I:\WC CONTECTS\AMA\

AMARANTH APARTMENTS
WORKFORCE HOMESTEAD INC.
ASHEVILLE, NORTH CAROLINA

SHEET
C3 OF 9

DEVELOPMENT DATA:
AMARANTH APARTMENTS
PROPERTY OWNER: DOUGLAS AND LISA NICHOLSON
1 BROOKSIDE CIRCLE
CANDLER, NC 28715
828-667-1696
CONTACT PERSON: JIM YAKIN
1534 TWISTED OAK DRIVE
CHAPEL HILL, NC 27516
828-351-9151
PIN NUMBER: 9617345500000
ZONING DISTRICT: B-4-6
PROPERTY SIZE: 6.128 AC
BUILDING SETBACKS: FRONT - 15', SIDE - 0', REAR - 15'
BUILDING INFORMATION:
4 BUILDINGS
70 APARTMENT UNITS
BUILDING HEIGHTS - 45' (100, 200, & 300)
15' CLUBHOUSE
TOTAL GRADING AREA: 5.75 AC
IMPERVIOUS AREA CALCULATIONS:
SITE AREA = 6.128 ACRES (266945 SF)
EXISTING IMPERVIOUS AREA = 0.172 ACRES (7,500 SF)
PROPOSED IMPERVIOUS AREA = 2.002 ACRES (87,228 SF)
TOTAL PROPOSED IMPERVIOUS AREA PERCENTAGE = 32.7%
PARKING:
TOTAL PROPOSED PARKING SPACES = 105
BARRIER FREE SPACES = 11 (2 VAN)
SPACES REQUIRED = 70 UNITS X 1.5 SPACES PER UNIT = 105
BICYCLE PARKING: 105 X 3% = 6 SPACES



LANDSCAPING CALCULATIONS:
P-6
25' BUFFER (PER 100 LF):
4 EVERGREEN TREES
3 DECIDUOUS TREES LARGE
3 DECIDUOUS TREES SMALL
10 LARGE SHRUBS (j EVERGREEN)
10 SMALL SHRUBS (j EVERGREEN)
LENGTH OF PROPERTY TO HAVE BUFFER = 1,156 LF
48 EVERGREEN TREES
35 DECIDUOUS TREES LARGE
35 DECIDUOUS TREES SMALL
110 LARGE SHRUBS (j EVERGREEN)
110 SMALL SHRUBS (j EVERGREEN)

PARKING LOT: (1 DECIDUOUS TREE, 4 SHRUBS PER 1,500 SF OF VEHICULAR AREA)
57,113 SF / 1,500 SF = 38.1 TREES
PROVIDED 39 TREES, 153 SHRUBS
BUILDINGS: (1 TREE, 3 SHRUBS PER 1000 SF)
35,330 SF / 1,000 SF = 36 TREES
PROVIDED 36 TREES, 77 SHRUBS
STREET TREES: SPACED EVERY 40 LF (MAX. 20' OFF PAVEMENT)
PROVIDED 12 TREES

P-10
OPEN SPACE CALCULATIONS:
TOTAL TRACT - 6.128 AC
15% - 40,042 SF
500 SF X 70 UNITS = 35,000 SF

OPEN SPACE SHOWN - 58,406 SF
ACTIVE OPEN SPACE: 20,729 + 1,912 = 22,641 SF
NATURAL: 73,415 SF
(50% OF REQUIRED OPEN SPACE)
= 20,021 SF

LANDSCAPE NOTES:

1. ALL DISTURBED AREAS SHALL RECEIVE 4" OF TOP SOIL, SEED AS PER THE SEEDING SCHEDULE, AND WATERED UNTIL A HEALTHY STAND OF GRASS IS ESTABLISHED. ALL MULCHED AREAS SHALL RECEIVE 10" OF TOP SOIL.
2. ALL PLANTS MUST BE HEALTHY, CONTAINER GROWN, AND FREE OF PESTS AND DISEASE.
3. ALL TREES MUST BE HEALTHY WITH A STRAIGHT TRUNK WHICH MEET THE LANDSCAPING REQUIREMENTS SPECIFIED.
4. ALL PLANTS ARE SUBJECT TO THE APPROVAL OF THE ARCHITECT.
5. ALL TREES MUST BE GUYED OR STAKED AS SHOWN IN THE DETAILS.
6. ALL LANDSCAPED PLANTING AREAS MUST BE COMPLETELY MULCHED AS SHOWN.
7. CONTRACTOR IS RESPONSIBLE FOR DELIVERY SCHEDULE AND PROTECTION BETWEEN DELIVERY AND PLANTING PER SPECIFICATIONS TO MAINTAIN HEALTHY PLANT CONDITIONS.
8. MAINTAIN (INCLUDING BUT NOT LIMITED TO: WATERING, SPRAYING, MULCHING, FERTILIZING, ETC.) ALL OF THE SHRUBS, TREES, SOD AND SEEDED AREAS FOR A MINIMUM 60 DAYS AFTER PLANTING. (WATER MAY BE USED FROM AN ON SITE SOURCE IF AVAILABLE)
9. A GUARANTEE FOR ALL TREES, SHRUBS AND SOD FOR 1 YEAR BEGINNING ON THE DATE OF ACCEPTANCE BY THE ARCHITECT AND SHALL MADE ANY NECESSARY REPLACEMENTS AS DETERMINED BY THE ARCHITECT DURING THIS TIME.
10. ALL MULCH PLANTING AREAS SHALL RECEIVE 3" OF PINE STRAW MULCH.
11. WEED CONTROL MATTING IS REQUIRED IN MULCHED AREAS.
12. ALL LANDSCAPE PLANTING AREAS AND YARD AREAS SHALL BE FREE OF PAVEMENT, GRAVEL, SUB-BASE AND ANY OTHER CONSTRUCTION TYPE MATERIAL.
13. ALL LANDSCAPING PLANTS AND TREES SHALL MEET THE CITY OF ASHEVILLE ORDINANCE. THIS INCLUDES MINIMUM CALIPER INCHES AND HEIGHT AT PLANTING, ETC.

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LANDSCAPE PLAN

PROJECT NO. 17181
SCALE: AS SHOWN
DATE: 9-10-2018
DRAWN BY:
REVIEW:
I:\BC CONCORD\SAM

AMARANTH APARTMENTS
WORKFORCE HOMESTEAD INC.
ASHEVILLE, NORTH CAROLINA

SHEET
C4 OF 9

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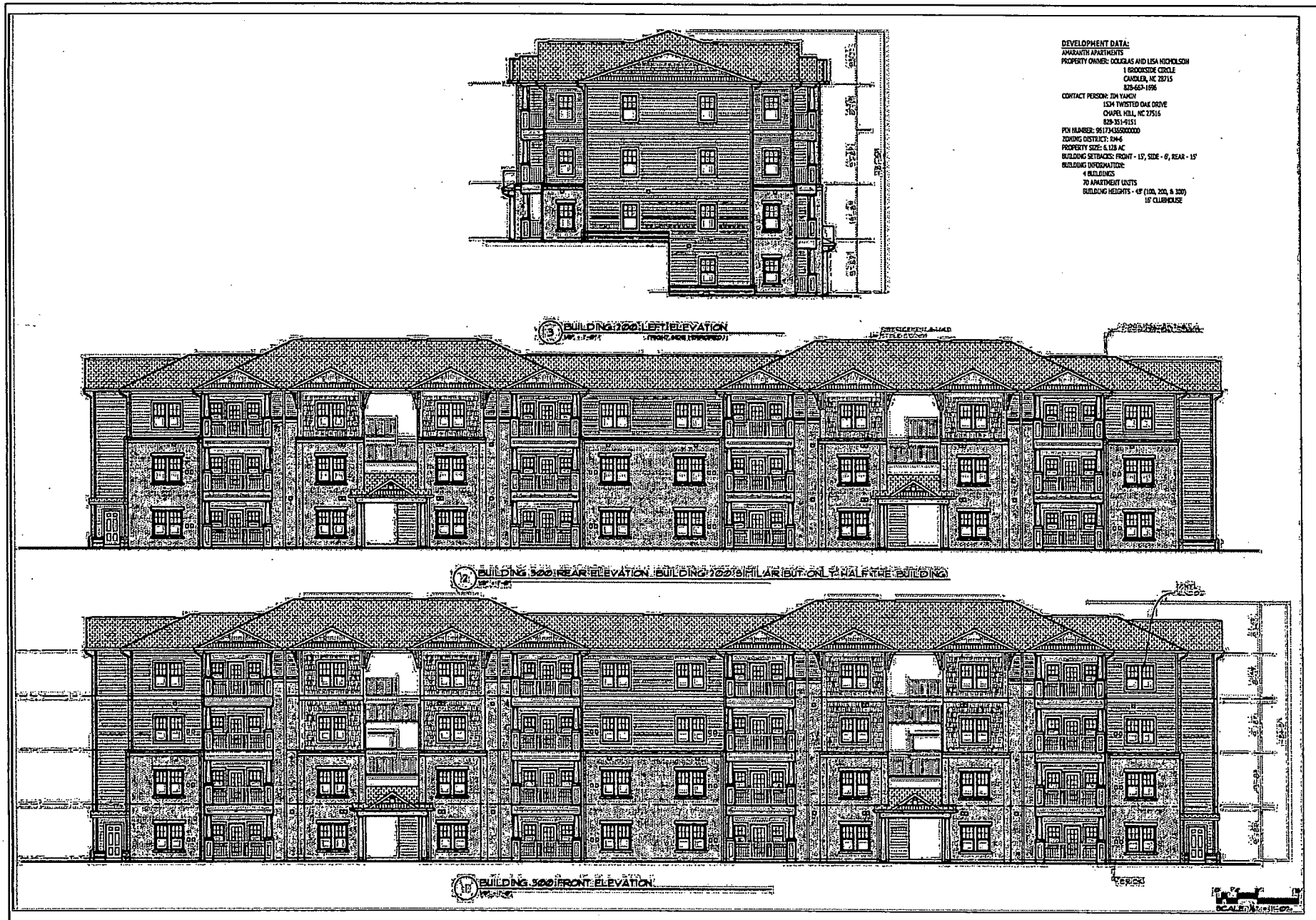

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Fax (828) 433-5682
NC License No. P-0210
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BUILDING ELEVATION PLAN

PROJECT NO.: 17181
SCALE: AS MARKED
DATE: 1-10-2018
DRAWN BY:
REVISION:

AMARANTH APARTMENTS
WORKFORCE HOMESTEAD INC.
ASHEVILLE, NORTH CAROLINA

SHEET
C5 OF 9

ORDINANCE NO. 4663

ORDINANCE CREATING A HUMAN RELATIONS COMMISSION OF ASHEVILLE

WHEREAS, the City Council of the City of Asheville ("City Council") has the authority pursuant to N.C.G.S. § 160A-146 to establish boards and commissions to provide orderly and efficient administration of City affairs; and

WHEREAS, the City Council has the authority pursuant to N.C.G.S. § 160A-492 to undertake a human relations program and appoint a commission to carry out such program; and

WHEREAS, the City Council recognizes that the public welfare and interest of the City will best be served by establishment of a human relations commission; and

WHEREAS, the City Council appointed a Blue Ribbon Committee on a Human Relations Committee ("BRC") as a task force to design recommendations for initiating a human relations commission; and

WHEREAS, the City Council desires that, in carrying out its duties under this ordinance, such human relations commission be guided and influenced by the recommendations made by the BRC; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1: Article III of Chapter 2 of the Code of Ordinances of the City of Asheville is hereby amended to add a new Division 14, to read as follows:

"Division 14. HUMAN RELATIONS COMMISSION OF ASHEVILLE

Sec. 2-185.23. Establishment and Purpose.

a) The Human Relations Commission of Asheville (or "HRCA") is hereby established, pursuant to the authority set forth in N.C. Gen. Stat. § 160A-492.

b) The purpose of the Human Relations Commission of Asheville is to promote and improve human relations and achieve equity among all citizens in the City by carrying out the City's human relations program. The HRCA will prioritize racial equity and will work with City government and partner with communities and outside agencies, in an effort to encourage and ensure diversity, fairness, equity and inclusion throughout the City. In furtherance thereof, the HRCA should endeavor to identify and assist in addressing all forms of individual, institutional and community discrimination through education, advocacy and policy recommendations.

Sec. 2-185.24. Definitions.

a) *Human relations.* Human relations shall mean those activities which promote human dignity, equitable opportunity and harmony among the many different residents who make up the population of the City. This definition shall include those activities and programs classified as promoting the general well-being of residents without regard to race, religion, national origin, disability, gender, age, sexual orientation, gender identity, or gender expression in their daily activities.

b) *Human relations program.* The City's human relations program is devoted to promoting human relations through the following:

(1) the study of problems in the area of human relations;

(2) the promotion of equality of opportunity for all citizens;

(3) the promotion of understanding, respect and goodwill among all citizens;

(4) the provision of channels of communication among the races;

(5) dispute resolution;

(6) encouraging the employment of qualified people without regard to race, religion, national origin, disability, gender, age, sexual orientation, gender identity or gender expression; and

(7) encouraging youth to become better trained and qualified for employment.

Sec. 2-185.25. Duties, Membership, and Rules of Procedure.

a) *Duties.* The HRCA is charged with carrying out the human relations program in accordance with the authority set forth in the North Carolina General Statutes, and in doing so its duties will include, but will not be limited to, the following:

(1) Make policy recommendations to the Asheville City Council which promote and improve human relations and advance equity in the City;

(2) Support the City's Office of Equity and Inclusion in its duties and responsibilities;

(3) Provide a forum where residents can raise, and bring to the HRCA's attention, issues and complaints relating to human relations issues in the City;

(4) Engage the community and gather community input regarding the utilization of City-funded programs and policies for the promotion of human relations;

(5) Promote and improve human relations and advance equity in public safety;

(6) Promote and improve human relations and advance equity in educational, art and cultural opportunities;

(7) Promote and improve human relations and advance equity in economic development in the City, including but not limited to City-funded economic development programs and opportunities;

(8) Promote and improve human relations and advance equity in health and human services in the City, including but not limited to City-funded health and human services programs; and

(9) Promote and improve human relations and advance equity in housing in the City, including but not limited to working with the City and other agencies to enhance opportunities and programs related to affordable housing and to address issues related to gentrification.

(b) *Membership and appointment.*

(1) The HRCA shall be comprised of 15 members appointed by the Asheville City Council, for staggered two-year terms. All members must be residents of the City.

Members may serve two full consecutive two-year terms. Members can be removed at the discretion of the City Council for good cause.

(2) In appointing members to the HRCA, the Council should endeavor to use the following criteria:

a. Members should have demonstrated an interest and experience in human relations;

b. Membership should reflect the groups of individuals that the human relations program is intended to assist and protect, including but not limited to, individuals from different races, ethnicities, sexual orientation and socioeconomic backgrounds. With the recognition that there will have to be members who meet more than one of the following, the City Council should endeavor to appoint individuals meeting the following criteria:

- 6 African Americans;
- 2 Latinx individuals;
- 2 members of the LGBTQ community;
- 2 youth members between the ages of 18 and 25;
- 2 to 3 individuals who live in public housing;
- 2 individuals with a disability; and
- 3 individuals who are recognized as community leaders.

c. Council shall appoint members who reside in all geographical areas of the City; i.e., Council should appoint at least one member from each of the following: north Asheville, south Asheville, west Asheville, east Asheville and the downtown area.

(c) *Rules of Procedure.*

The HRCA shall adopt rules of procedure necessary for the proper discharge of its duties, which govern, among other things, the election of a Chair, and the conduct and time of its meetings."

Section 2: Sections 2-185.26-2-185.28 Reserved.

Section 3: If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portion of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4: This ordinance is effective upon adoption.

Read, approved and adopted this 10th day of April, 2018.

Magdalen Burleson
City Clerk

Esther G. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

ORDINANCE NO. 4664

ORDINANCE ADOPTING THE FISCAL YEAR 2018-19 FEES & CHARGES

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The attached Fiscal Year 2018-19 fees and charges, attached hereto and made a part hereof, be adopted.

That this ordinance shall be in full force and effective upon July 1, 2018, except for charges on the combined utility bill for water and stormwater which will be effective September 1, 2018.

Read, approved and adopted this 10th day of April, 2018.

Magdalen Bruleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bruleson

Attachment A

	Current Fee	Proposed New Fee	Additional Revenue
GENERAL FUND			
Community & Economic Development			
Special Event Fees			
On-Site Event Operations Fee for outdoor special events of significant impact (per day)	New	$200.00	$4,000
City-Owned Facility Rental Charges (14 Riverside Drive)			TBD
Full Day Rental (per day)			
Monday - Friday	$500.00	Update 75% discount to include arts-based and community events	
Saturday and Sunday	$1,000.00	Update 75% discount to include arts-based and community events	
Monthly Rental (per month)			
Commercial Business Rental	New	$1,850.00	
Nonprofit/Community/Arts-Based Rental	New	$460.00	
General Services			
External CNG Sales	$1.85	$1.98	$7,410
Public Works			
Traffic Control - Labor & Equipment			$250
Current Wording:	Charges are based on full cost recovery including overtime if necessary.		
Proposed Update:	Actual cost of labor and equipment including overtime, if necessary.		

	Current Fee	Proposed New Fee	Additional Revenue
Tree Permit			TBD
Removal or pruning of any portion of a tree 6" or larger in diameter on City controlled property (fees waived for City staff)	New	$50.00	
Tree planting on City controlled property	New	No charge permit	
PARKING FUND			

Time-Restricted Parking (Surface Lots)

- Extend fee duration, for existing fee-based service lots, and include other City-owned or controlled surface parking lots that are not currently being charged a fee until 10:00 PM Monday-Saturday except City holidays.
- Fee payment systems may include, but not limited to, single-space meters, multi-space pay stations, and mobile payment systems. — $10,000
- Fees may range from $1.50 per hour up to a maximum of $5.00 depending on the lot.

STREET CUT FUND

Utility Cut Permit and Patching			
Full Width/Full Block Overlay Required	$2,000.00	$2,500.00	$6,500

STORMWATER FUND

Single-Family Residential Properties			$279,005
225 - 2,000 square feet (per month)	$2.90	$3.05	
2,001 - 4,000 square feet (per month)	$4.63	$4.86	
> 4,001 square feet (per month)	$6.37	$6.69	
Non-Single-Family Residential Properties (per ERU per month)	$4.63	$4.86	

WATER RESOURCES FUND

Utility Charges (per CCF):			
Single Family Residential	$ 4.05 per ccf	$ 4.13 per ccf	
Irrigation	$ 4.71 per ccf	$ 4.95 per ccf	
Multi-Family Residential	$ 3.42 per ccf	$ 3.56 per ccf	
Commercial (<= 1,000 CCF monthly)	$ 3.42 per ccf	$ 3.49 per ccf	
Commercial (> 1,000 CCF monthly)	$ 2.00 per ccf	$ 2.10 per ccf	
Commercial (<= 2,000 CCF bimonthly)	$ 3.42 per ccf	$ 3.49 per ccf	
Commercial (> 2,000 CCF bimonthly)	$ 2.00 per ccf	$ 2.10 per ccf	
Manufacturer (<= 1,000 CCF monthly)	$ 3.42 per ccf	$ 3.49 per ccf	
Manufacturer (> 1,000 CCF monthly)	$ 1.94 per ccf	$ 1.98 per ccf	
Manufacturer (<= 2,000 CCF bimonthly)	$ 3.42 per ccf	$ 3.49 per ccf	
Manufacturer (> 2,000 CCF bimonthly)	$ 1.94 per ccf	$ 1.98 per ccf	
Wholesale	$ 1.19 per ccf	$ 1.21 per ccf	
	$184.00 / 10,000 gpd	$184.00 / 10,000 gpd	
Base Fee per bill	$ 6.09	$ 6.21	
Refundable Deposit	$ 100.00	$ 100.00	$681,476
Capital Improvement Fee (monthly charge):			
Meter Size:	$ 4.09	$ 4.17	
5/8 inch	$ 4.68	$ 4.77	
3/4 inch	$ 56.19	$ 57.31	$200,317

1 inch	$ 93.65	$ 95.52
1 1/2 inch	$ 163.88	$ 167.16
2 inch	$ 515.06	$ 525.36
3 inch	$ 901.36	$ 919.39
4 inch	$ 1,158.89	$ 1,182.07
6 inch	$ 1,416.42	$ 1,444.75
8 inch	$ 1,673.96	$ 1,707.44
10 inch		

Attachment B Development Fees

Fee Name	CURRENT FEE	PROPOSED FEE
PLANNING AND ZONING FEES		
Single Family Residential Plan Review		
Accessory Structure, Deck, Addition, Carport, Garage, and Roofed Porch	$25	$75
New Construction (per unit)	$50	$75
Level I Projects		
< 500 sq ft	$25	$100
500 – 1,499 sq ft	$100	$250
1,500 – 34,999 sq ft	$200	$500
Change of Use to Higher Impact	$200	$250
Cellular Collocation	$200	$400
Level II Projects		
Residential 20 – 50 Units	$450	$1,500
Nonresidential Use in Residential District	$450	$1,500
Commercial 35,000 – 100,000 sq ft	$550	$1,500
Industrial < 100,000 sq ft or < 15 acres	$550	$1,500
Conditional Zonings (Level III Projects)		
Conditional Zoning		
< 1 Acre **or** < 5000 sq ft	$350	$2,000
1 - 6 Acres **or** 5,000 sq ft - 34,999 sq ft	$450	$3,000
7 - 10 Acres **or** 35,000 sq ft - 100,000 sq ft	$750	$4,000
10+ Acres **or** >100,000 sq ft **or** 50+ residential units	$1,550	$5,000
Final TRC Review	$100	$800
Subdivisions & Recombinations		
Minor Subdivision	$50	$200
Major Subdivision (1-3 lots)	$750	$1,500
4+ Lots	$1,250	$2,000
Recombination Plat	$50	$100
Final Plat		$50
Rezonings		
< 1 Acre	$350	$1,000
1 - 6 Acres	$450	$1,500
7 - 10 Acres	$550	$2,000
10+ Acres	$750	$2,500
Conditional Use Permits		
Telecommunications Tower	$4,050	$5,000
Adult Use	$650	$1,500
Other Conditional Use Permit	$500	$1,500
Historic Resources Commission		
Major Work Residential COA	$75	$250
Major Work Commercial COA	$100	$400
Minor Work COA (Residential & Commercial)	$25	$50
Local Landmark Application	$150	$500
Board of Adjustment		
Zoning Variance	$200	$500
Additional Zoning Variances	$50	$100
Sign Variance	$400	$500
Additional Sign Variances	$50	$100
Appeal of Staff Interpretation or Decision	$500	$800
Sign Permits		
Freestanding	$100	$250
All Others	$100	$200
Sign Refacing/Replacement Panel (all sizes)	$100	$100
Temporary Sign & Inflatable Balloon (per unit)	$25	$25

Attachment B Development Fees

Fee Name	CURRENT FEE	PROPOSED FEE
A-Frame Sign (annually)	$25	$50
Pushcarts, Outdoor Dining, & Outdoor Merchandise		
Pushcart Relocation Fee	$75	$100
Pushcart		
Application Fee	$150	$200
Renewal Fee	$100	$150
Outdoor Dining & Merchandise		
1 - 100 sq ft		
Application Fee	$175	$200
Renewal Fee	$50	$150
>100 sq ft		
Application Fee	$350	$600
Renewal Fee	$200	$450
Events and Temporary Use Permits		
Temporary Use Permit		
<100 attending	$25	$100
100 - 1,000 attending	$100	$250
>1,000 attending	$350	$500
Food Truck		$100
Multiple Events (within six months)	$50	$50
Event Amendment	$75	$50
Address Assignment Fees		
Address Change		
10-50	$100 - $500	$250
> 50	$750	$750
Miscellaneous Permits/Applications, Fees, and Services		
Permits/Applications		
Alternative Compliance	$200	$350
Flexible Development Standards	$75	$100
Home Occupation	$50	$50
Homestay	$200	$200
Occupancy Permit	$25	$25
Steep Slope & Ridgetop (applied during review as applicable)	$50	$50
Wording Amendment	$500	$800
Fees		
Amendment to Commercial Plan or Subdivision Plan - Minor (after permit issuance)	$50-$150	$100
Amendment to Commercial Plan or Subdivision Plan - Major (after permit issuance)	50%	50%
Downtown Commission or River Commission Review - Major	$250	$1,500
Reinspection (after second inspection)	$25	$100
Resubmittal - Residential (after third submittal)	$135	$75
Resubmittal - Commercial (after third submittal)	$135-$225	$200
Services		
Early Assistance	$40	$120
Expedited Review (per hour - minimum $200)	$100	$100
Verification of Existing Land Use	$200	$250
Verification of Existing Lot or Structure	$100	$150
Zoning Determination Letter	$200-$550	$350
Zoning Compliance Letter (no research)	$34	$75

All fees listed are subject to the 4% technology fee except those marked ^

46

Attachment B Development Fees

Fee Name	CURRENT FEE	PROPOSED FEE
SITE DEVELOPMENT FEES		
Single Family Residential Plan Review		
New Construction (per unit)	$50	$75
Stormwater & Flood Permits		
Level I Project	$600	$750
Level II Project	$680	$1,200
Level III Project	$880	$2,000
Major Subdivision	$680	$1,200
Flood Permit - Minor Work	$75	$100
Floodplain Development - Major Work (each primary structure)	$200	$600
Floodway Development	$500	$1,000
Flood Permit Extension Request (prior to expiration)		$100
Grading Permits		
Residential < 10,000 sq ft	$175	$225
Commercial < 10,000 sq ft	$270	$600
Commercial > 10,000 sq ft (per acre - minimum one acre charge)	$620	$1,200
Publicly Funded Project (under an acre)		50%
Residential Permit Extension Request (prior to expiration)	$75	$100
Commercial Permit Extension Request (per acre - prior to expiration)	$75	$600
Driveway Permits (per entrance)		
Residential	$100	$150
Commercial	$200	$300
Encroachments		
Residential	$200	$200
Commercial	$200	$400
Microcell Public Right-of-Way		$50
Miscellaneous Permits/Applications, Fees, and Services		
Fees		
Amendment to Commercial Plan or Subdivision Plan - Minor (after permit issuance)	$75	$100
Amendment to Commercial Plan or Subdivision Plan - Major (after permit issuance)		50%
Reinspection (after second inspection)		$100
Resubmittal - Residential (after third submittal)	$135	$75
Resubmittal - Commercial (after third submittal)	$135-$225	$200
Services		
Expedited Review (per hour - minimum $200)	$100	$100

All fees listed are subject to the 4% technology fee except those marked ^

Attachment B Development Fees

Fee Name	CURRENT FEE	PROPOSED FEE
BUILDING FLAT FEES		
Single Family Residential Plan Review		
New Construction	$125	$125
New Construction Waiver	$25	$25
Single Family Residential Permits		
Accessory Structure, Deck, Addition, Carport, Garage, and Roofed Porch		
< 500 sq ft	$75	$75
> 500 sq ft	$0.30	$150 plus $0.30 per sq ft over 500
Electrical Inspection	$75	$75
New Construction		
< 1,500 sq ft	$475	$475
> 1,500 sq ft	$0.30	$475 plus $0.30 per sq ft over 1,500
Renovation/Remodel	$325	$325
Reroof	$75	$75
Manufactured Home (HUD Approved) or Modular Building (NC Seal)	$150 - $300	$200
Heat Pump or A/C Installation	$75	$75
Demolitions		
Residential Demolition	$75	$75
Commercial Demolition - Interior Only	$75	$100
Commercial Demolition - Entire Building	$150	$150
Western North Carolina Air Quality Agency Fees		
Residential^	$25	$25
Commercial^	$50	$50
Temporary Certificate of Occupancy (TCO)		
Application	$200	$200
TCO Inspection Fee (per trade, per floor)		
Stocking	$75	$100
Stocking & Training	$75	$100
Public Occupancy	$75	$100
Bond Administration Fee	$200	$200
Reinspection (per trade, per floor)	$75	$100
Miscellaneous Permits/Applications, Fees, and Services		
Permits/Applications		
ABC Inspection (per trade)	$75	$100
Annual Maintenance Permit	$100	$100
Contractor Change	$75	$100
Expiring Permit Renewal	$75	$100
Foster Home Inspection	$25	$25
Minimum Permit Fee (if not listed)	$75	$100
Residential Change-out (same contractor)	$75	$75
Residential Trade Permit		$75
Retaining Walls (attached or adjacent to building)	$75	$100
School Inspection	$100	$100
Temporary Saw Service (Pole)	$75	$75

Attachment B Development Fees

Fee Name	CURRENT FEE	PROPOSED FEE
Temporary Utilities (TU) Application (per 10 units)	$200	$200
Temporary Utilities (TU) Renewal (prior to expiration)	$100	$100
Fees		
Amendment to Commercial Building Plan - Minor (after permit issuance)	$75	$100
Amendment to Commercial Building Plan - Major (after permit issuance)	$75 plus fees based on cost of work increases	$75 plus fees based on cost of work increases
Failure to Have Approved Plans on Site	$135	$150
Failure to Post Permit	$75	$100
Homeowner Recovery Fund^ (per building permit)	$10	$10
Reinspection (per trade - after second inspection)	$100-$200	$100
Re-stamp of Additional or Lost Approved Plans	$75	$100
Resubmittal - Residential (after third submittal)	$135	$75
Resubmittal - Commercial (after third submittal)	$135-$225	$200
Services		
After Hours Inspections (per hour - minimum $200 per trade)	$100	$100
Electrical Homeowners Exam	$75	$75
Electrical Journeyman Exam	$50	$50
Electrical Journeyman Renewals (3 years)	$30	$30
Electrical Special Scheduled Exam	$100	$100
Expedited Review (per hour - minimum $200)	$100	$100
Fire Department Access Review		$50

All fees listed are subject to the 4% technology fee except those marked ^

Attachment B Development Fees

COMMERCIAL BUILDING VALUATION FEES	CURRENT FEE	PROPOSED FEE
Building Plan Review*		
$0 - $10,000	$100	$100
$10,001 - $15,000	$125	$125
$15,001 - $25,000	$150	$150
$25,001 - $50,000	$175	$175
$50,001 - $100,000	$200	$200
$100,001 - $1,000,000	0.002% of total cost	0.002% of total cost
$1,000,001 - $5,000,000	$2,000 plus 0.001% of all costs > $1 million	$2,000 plus 0.001% of all costs > $1 million
> $5,000,000	$6,000 plus 0.005% of all costs > $5 million	$6,000 plus 0.005% of all costs > $5 million

* Plan review fees are calculated and assessed based on total construction cost of a project or the most current International Code Council (ICC) "Building Valuation Data," whichever is greater.

Fire Plan Review		
Review Fee	$75	$100
Building and Trade Permits (Per Individual Trade)*		
$0 - $5,000	$75	$100
$5,001 - $10,000	$100	$125
$10,001 - $15,000	$150	$150
$15,001 - $25,000	$325	$325
$25,001 - $50,000	$800	$800
$50,001 - $75,000	$1,000	$1,000
$75,001 - $100,000	$1,500	$1,500
$100,001 - $150,000	$1,800	$1,800
$150,001 - $200,000	$2,400	$2,400
$200,001 - $275,000	$3,100	$3,100
$275,001 - $350,000	$3,400	$3,400
$350,001 - $425,000	$4,000	$4,000
$425,001 - $500,000	$4,500	$4,500
$500,001 - $625,000	$5,400	$5,400
$625,001 - $750,000	$6,500	$6,500
$750,001 - $875,000	$7,500	$7,500
$875,001 - $1,000,000	$10,000	$10,000
> $1,000,000	$10,000 plus $750 for each additional $500,000	$10,000 plus $750 for each additional $500,000
Equipment**	0.075% of equipment cost	0.075% of equipment cost

Attachment B Development Fees

Fee Name	CURRENT FEE	PROPOSED FEE
* Permit fees are calculated and assessed **per trade and per building** based on total construction cost of a project or the most current International Code Council (ICC) "Building Valuation Data," whichever is greater. Total construction cost includes, but is not limited to, labor, materials, supervision, overhead, profit, design plans, and specifications. ** Equipment cost is not calculated in Building and Trade costs. All equipment that is permanently attached to the building or a component of the building's operating systems such as ventilation, heating, cooling, plumbing, fire suppression, exhaust, refrigeration, fixed appliances, etc. are subject to full permit fees based on their cost of work.		
Fire Permits		
Permit Fee	$75 plus 10% of total trade fees	13% of total Trade Fees

All fees listed are subject to the 4% technology fee except those marked ^

Attachment B Development Fees

Fee Name	CURRENT REBATE OR DISCOUNT	PROPOSED REBATE OR DISCOUNT
REBATES, DISCOUNTS, AND REFUNDS		
Rebates*		
Affordable Housing	50%	50%
Built Home Certification Energy Star Rating > 69	$100	$100
Geothermal Installation	$50	$50
Green Built North Carolina: Healthy	$100	$100
Solar Panel Installation	$50	$50
Stormwater/Greywater Collection Device Installation	$50	$50
Wind Generator Installation	50	50
* Rebates are offered and issued when regular fees are paid in full, the project has been completed, a CO has been issued, and with certification or rating submitted.		
Discounts		
Farmers' Market	75%	75%
City Owned, Operated, and Occupied Property	100%	100%
Refunds		
Category I: Upfront Services - Address Assignment - Amendments/Renewals/Resubm - Bond Administratration - Conditional Use Permits - Encroachments - Exams, Classes, Renewals - Historic Resources Commission - Homestay - Level I, II, and III Projects - Pushcarts, Outdoor Dining & Mer - Steep Slope & Ridgetop - Technology Fee - Wording Amendment - Zoning Research/Verification - Alternative Compliance - Board of Adjustment - Conditional Zoning - Early Assistance - Expedited Review - Flexible Development Standards - Home Occupation - Homeowner Recovery - Plan Review (Res. and Comm.) - Rezonings - Subdivisions and Recombinations - WNC Air Quality - Zoning Compliance/Determination	Nonrefundable	Nonrefundable
Category II: Permit Fees - Building - Electrical - Gas Piping - Mechanical - Refrigeration - Stormwater & Flood - Zoning - Driveway - Fire Prevention - Grading - Plumbing - Signs - Temporary Use - Miscellaneous Permit	Partially Refundable: $75 minimum fee is nonrefundable. Permit processed with no inspection or plan review - 90% of permit fee (minus $75); Plan reviewed with no inspection - 75% of permit fee (minus $75)	Partially Refundable: $75 minimum fee is nonrefundable. Permit processed with no inspection or plan review - 90% of permit fee (minus $75); Plan reviewed with no inspection - 75% of permit fee (minus $75)
Category III: Inspection Fees - ABC Inspection - Foster Home Inspection - Reinspection - TCO Inspection - Temporary Utility Inspection - After Hours Inspection - Occupancy Inspection - School Inspection - Temporary Saw Service Inspection - Miscellaneous Inspection	Refundable only if inspection is not performed	Refundable only if inspection is not performed

52

ORDINANCE NO. 4665

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 24th day of April, 2018.

Magdalen Bouleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

PURPOSE: Reimbursement from NCDEM for HazMat Response at 288 Lyman

Magdalen Bouleson
City Clerk

CITY OF ASHEVILLE

BUDGET AMENDMENT

FISCAL YEAR	EFFECTIVE DATE
2017/18	4/24/2018

Amendment to	X Operating ____ Capital or Grant (Special Revenue)
Purpose	Reimbursement from NCDEM for HazMat Response at 288 Lyman
Requesting Department	Fire Department

				Beginning Budget	New Budget	Increase or Decrease By
Fund	General Fund					
Revenue	NCDEM Response Reimbursement					
Acct #	11000111	488012		0.00	25,779.10	25,779.10
	Org	Obj	Project			
Fund	General Fund					
Expend.	Maintenance & Repairs					
Acct #	11000111	522001		20,000.00	45,779.10	25,779.10
	Org	Obj	Project			
Fund						
Revenue						
Acct #	00000000	000000				0.00
	Org	Obj	Project			
Fund						
Expend.						
Acct #	00000000	000000				0.00
	Org	Obj	Project			

BALANCE 0.00

54

ORDINANCE NO. 4666

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 24th day of April, 2018.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

PURPOSE: Nature Center Red Panda Exhibit

Magdalen Burleson
City Clerk

CITY OF ASHEVILLE

BUDGET AMENDMENT

2017/18	4/24/2018
FISCAL YEAR	EFFECTIVE DATE

Purpose: To establish budget for construction of the red panda exhibit at the WNC Nature Center, with donations from the Friends of the Nature Center.

Requesting Department: Parks & Recreation

Amendment to: General Capital Projects Fund

	Account	Current Budget	Amended Budget	Increase (Decrease)
Revenues				
41008401-483302-R1803	Friends of Nature Center	$ -	$ 154,200	$ 154,200
41098401-498100-R1803	Operating Transfers from General Fund	$ -	$ 30,620	$ 30,620
				$ -
Expenditures				$ -
41008401-521002-R1803	Professional Services	$ -	$ 15,200	$ 15,200
41008401-616102-R1803	Construction Services	$ -	$ 169,620	$ 169,620
BALANCE				**$ -**

Revision to: General Fund

	Account	Current Budget	Amended Budget	Increase (Decrease)
Expenditures				
11008003-521001	Contracted Services	$ 627,772.09	$ 597,152.09	$ (30,620.00)
11098003-800410	Transfer to General Capital Projects Fund	$ - .00	$ 30,620.00	$ 30,620.00
BALANCE				**$ - .00**

56

ORDINANCE NO. 4667

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 15th day of May, 2018.

Magdalen Bowlerson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

PURPOSE: Sport Court Upgrades/Renovations

Magdalen Bowlerson
City Clerk

CITY OF ASHEVILLE

BUDGET AMENDMENT

2017/18	5/15/2018
FISCAL YEAR	EFFECTIVE DATE

Purpose: To fund the improvements/construction of Bond Sports Court Projects

Requesting Department: Capital Projects

Amendment to: General Capital Projects Fund

	Account	Current Budget	Amended Budget	Increase (Decrease)
Revenues				
41090513-498100-X1801	Operating Transfers from General Fund	$ -	$ 157,500	$ 157,500
Expenditures				
41000513-615101-X1801	Infrastructure	$ 720,000	$ 877,500	$ 157,500
BALANCE				**$ -**

Revision to: General Fund

	Account	Current Budget	Amended Budget	Increase (Decrease)
Expenditures				
11008003-521001	Contracted Services	$ 359,198.51	$ 201,698.51	$ (157,500.00)
11098003-800410	Transfer to General Capital Projects Func	$ - .00	$ 157,500.00	$ 157,500.00
BALANCE				**$ - .00**

ORDINANCE NO. 4668

ORDINANCE ADOPTING CHANGES TO PARKING GARAGE FEES FOR FISCAL YEAR 2018-19

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The attached Fiscal Year 2018-19 fees and charges, attached hereto and made a part hereof, be adopted.

That this ordinance shall be in full force and effective upon July 1, 2018.

Read, approved and adopted this 15th day of May, 2018.

Magdalen Bouleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bouleson
City Clerk

Attachment A

DEPARTMENT	Transportation
DIVISION	Parking Services
Revenue Name	Parking Garages – Civic Center
Account Code	See below

Description of Revenue

Fees for parking provided in the Civic Center Parking Garage.

Fee Schedule

Fee	Rate	Account
First Hour (if total parking time is < 1 hour)	Free	
Second Hour	$2.50	62000220:482406
Additional Hours (per hour)	$1.25	62000220:482406
Maximum All Day	$12.00	62000220:482406
Special Events		
Single Occurrence (and all others)	$7.00	62000220:482405
Multi-Day Events	$5.00	62000220:482405
Monthly Parking Rate	$100.00	62000220:482404
Monthly Users: late payment/lost card	$10.00	62000220:482404
Vanderbilt Apartment Residents (per month)	$50.00	62000220:482404
Battery Park Apartment Residents (per month)	$50.00	62000220:482404
Parking Lot Fee (per month)	$27.50	62000220:482404
Lost Ticket Fee	$20.00	62000220:482406
Limited Events for Motor Vehicles	As established by City Council resolution	
Validation Tickets - Fee charged to businesses and organizations that want to purchase parking validation coupons for their guests or customers.	$1.50	62000220:482406

Revised 7/1/2018

60

Attachment A

DEPARTMENT	Transportation
DIVISION	Parking Services
Revenue Name	Parking Garages – Rankin Avenue
Account Code	See below

Description of Revenue

Fees for parking provided in the Rankin Avenue Parking Garage.

Fee Schedule

Fee	Rate	Account
First Hour (if total parking time is < 1 hour)	Free	
Second Hour	$2.50	62000220:482406
Additional Hours (per hour)	$1.25	62000220:482406
Maximum All Day	$12.00	62000220:482405
Special Events		
Single Occurrence	$7.00	62000220:482405
Multi-Day Event	$5.00	62000220:482405
Monthly Parking Rate	$110.00	62000220:482404
Monthly Users: late payment/lost card	$10.00	62000220:482404
Lost Ticket Fee	$20.00	62000220:482406
Limited Events for Motor Vehicles	As established by City Council resolution	
Validation Tickets - Fee charged to businesses and organizations that want to purchase parking validation coupons for their guests or customers.	$1.50	62000220:482406

Revised 7/1/2018

Attachment A

DEPARTMENT	Transportation
DIVISION	Parking Services
Revenue Name	Parking Garages – Wall Street
Account Code	See below

Description of Revenue

Fees for parking provided in the Wall Street Parking Garage.

Fee Schedule

Fee	Rate	Account
First Hour (if total parking time is < 1 hour)	Free	
Second Hour	$2.50	62000220:482406
Additional Hours (per hour)	$1.25	62000220:482406
Maximum All Day	$12.00	62000220:482406
Special Events		
Single Occurrence	$7.00	62000220:482405
Multi-Day Event	$5.00	62000220:482405
Monthly Parking Rate	$120.00	62000220:482404
Monthly Users: late payment/lost card	$10.00	62000220:482404
Lost Ticket Fee	$20.00	62000220:482406
Limited Events for Motor Vehicles	As established by City Council resolution	
Validation Tickets - Fee charged to businesses and organizations that want to purchase parking validation coupons for their guests or customers.	$1.50	62000220:482406

Revised 7/1/2018

62

Attachment A

DEPARTMENT	Transportation
DIVISION	Parking Services
Revenue Name	Parking Garages – Biltmore Avenue
Account Code	See below

Description of Revenue

Fees for parking provided in the Biltmore Avenue Parking Garage.

Fee Schedule

Fee	Rate	Account
First Hour (if total parking time is < 1 hour)	Free	
Second Hour	$2.50	62000220:482406
Additional Hours (per hour)	$1.25	62000220:482406
Maximum All Day	$12.00	62000220:482406
Special Events		
Single Occurrence	$7.00	62000220:482405
Multi-Day Event	$5.00	62000220:482405
Monthly Parking Rate	$130.00	62000220:482404
Monthly Daytime	$110.00	62000220:482404
Dedicated Monthly (taxable)	$154.00	62000220:482404
Dedicated Daily 4:30 PM - 10:00 AM (taxable) (per month)	$77.00	62000220:482404
Dedicated Daily 7:00 PM - 10:00 AM (taxable) (per month)	$66.00	62000220:482404
Lost Ticket Fee	$20.00	62000220:482406
Validation Tickets - Fee charged to businesses and organizations that want to purchase parking validation coupons for their guests or customers.	$1.50	62000220:482406

Revised 7/1/2018

ORDINANCE NO. 4669

ORDINANCE ESTABLISHING CONDITIONAL ZONING FOR PROPERTY LOCATED AT FOUNDERS DRIVE

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statues, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this proposed amendment is consistent with the City's 2025 Comprehensive Plan and other official plans of the City, which is hereby adopted and incorporated by reference; and

WHEREAS, this proposed ordinance is determined to be reasonable and in the public interest as follows:

a. The proposal supports the strategies found in the City's comprehensive plan on supporting the region's educational uses;
b. The project provides open space, landscaping and a variety of pedestrian and bike connections to the campus and larger community.
c. The overall proposal meets the goals and intent of institutional expansion zoning.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

The zoning classification of that certain real property described in Exhibit A and identified on Buncombe County tax maps as a portion of PIN 9649.07-2895 recorded in Deed Book 1003, Page 267 and currently owned by University of North Carolina Asheville from Institutional District to Institutional Expansion Conditional Zone district. A copy of the official zoning map showing said lots is attached hereto as Exhibit "A" and made a part hereof. Said rezoning is subject to the conditions set out in Exhibit "B.1", and substantially complies with the site plans shown in Exhibit "C", both attached hereto and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. The ordinances shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 5. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 22nd day of May, 2018.

Magdalen Bouldson
City Clerk

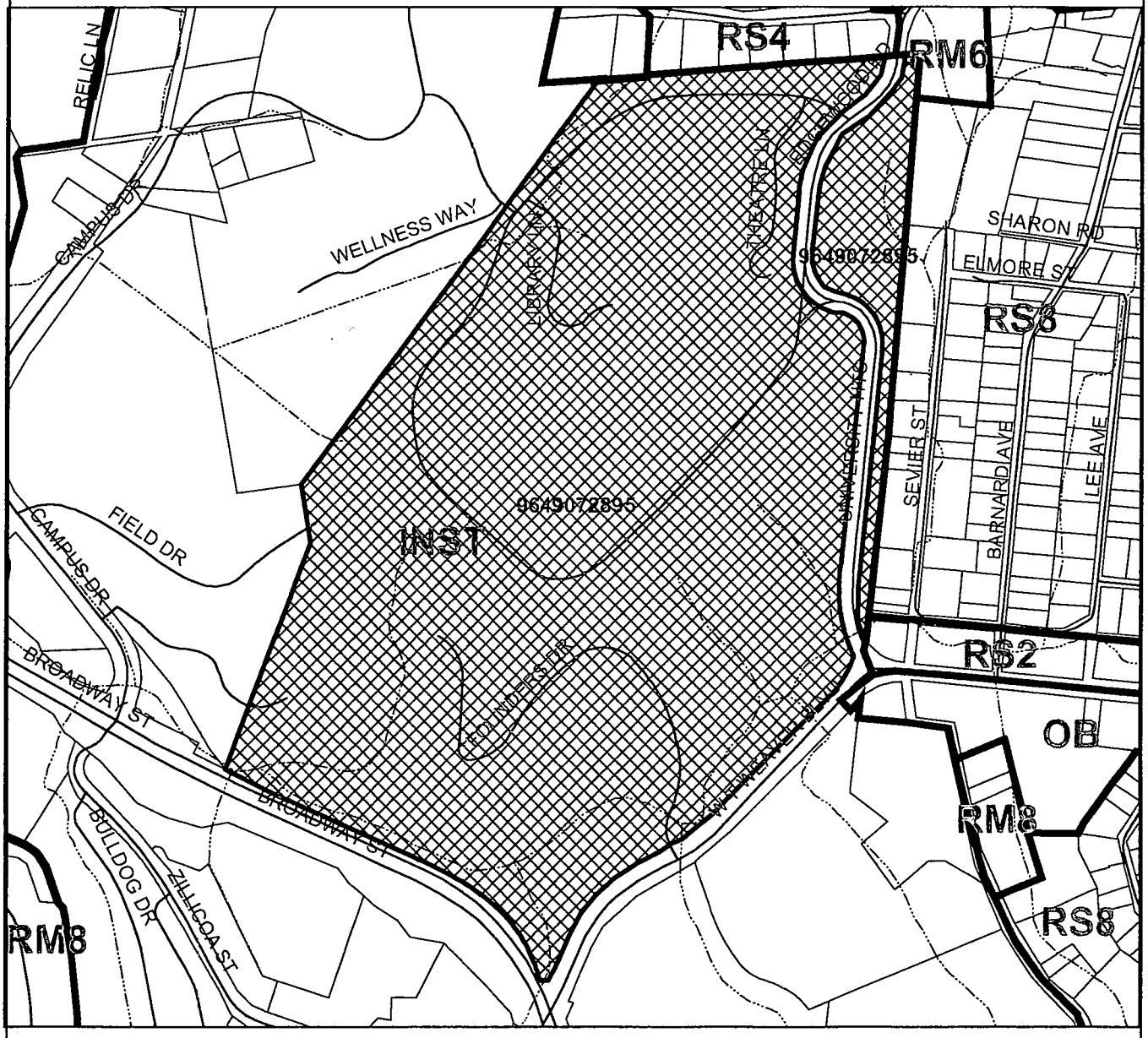
Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

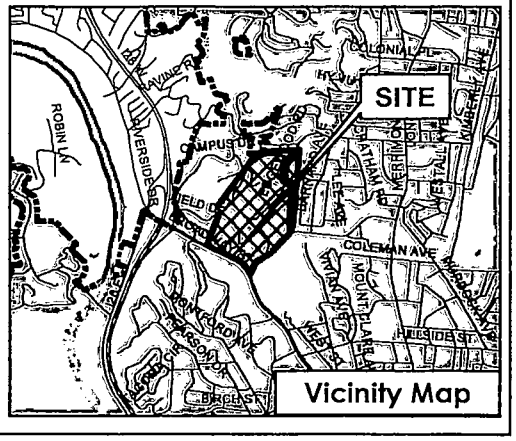
Magdalen Bouldson
City Clerk

City of Asheville - Exhibit A Map
Conditional Zoning - UNCA Student Housing



Project Name: UNCA Student Housing
Project Number: 18 - 02332 PZ
Project Description: CZ from INSTto INST EXP CZ
Petitioner(s): Dave Toms
Parcel ID Number(s): Portion of 9649-07-2895

Location/Address: 1 University Heights

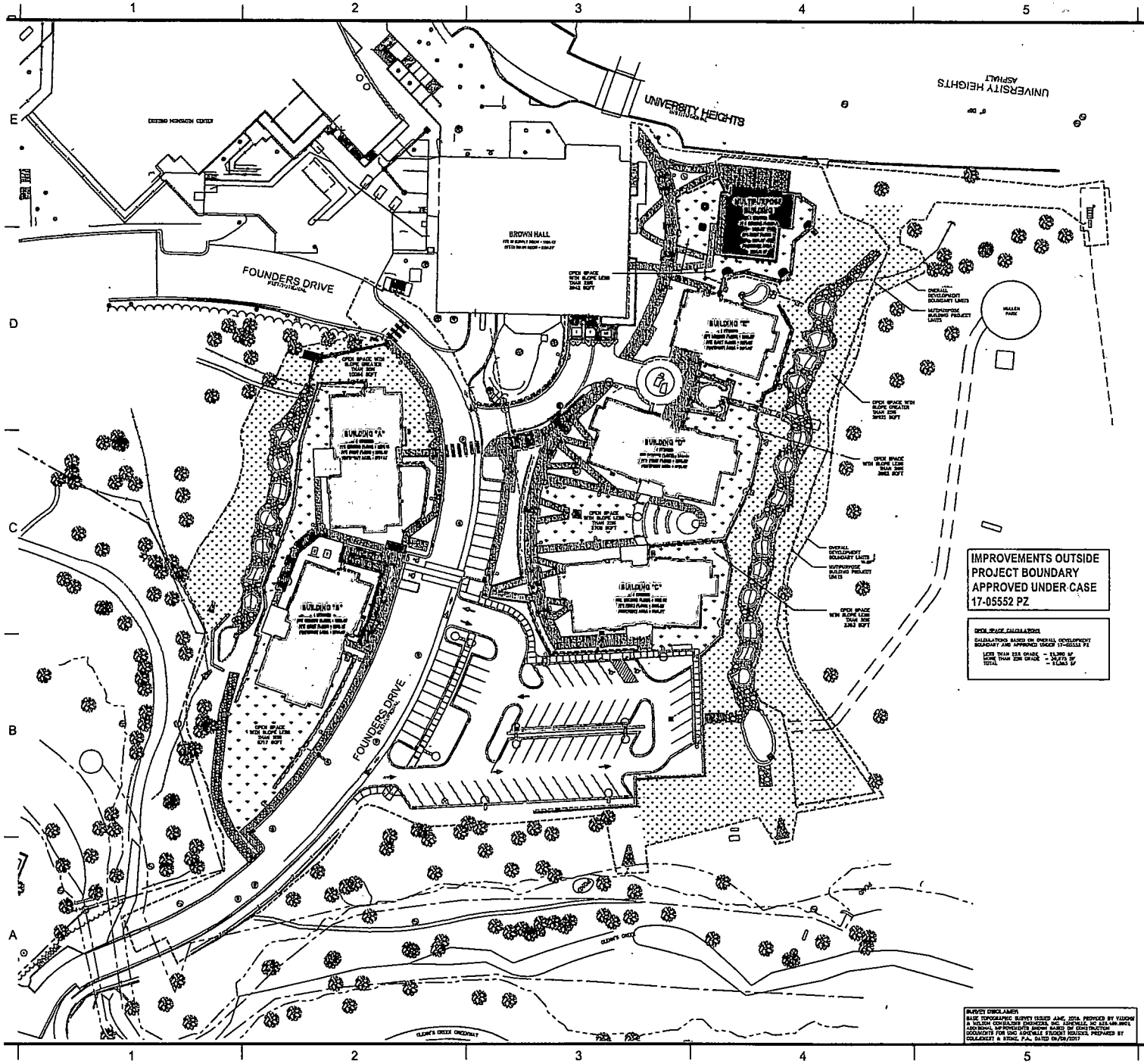


Project Site | Parcels | Asheville City Limits | Conditional Use Overlay
Zoning Districts | Streets | River Areas

City of Asheville Planning and Urban Design Department - April 2018

B.1 Conditions List
UNCA

1. The zoning for the project site, which is a 5.29 acre portion of a larger parcel located at 1 University Drive (PIN 9649-07-2895) is Institutional Expansion District Conditional Zone.
2. Six buildings are allowed for university use. The multi-purpose building shall be no more than 5,000 square feet in size and two-stories in height, as shown on the site plan incorporated herein by reference.
3. The five buildings containing student housing, vehicular use area, sidewalks, open space, retaining wall screening and landscaping on the overall project site were approved under permit 17-05552 PZ during Level II review and according to the site plan incorporated herein by reference.
4. Sidewalks shall be provided throughout the site and vary in width between at least five and ten feet as shown on the site plan incorporated herein by reference.
5. Building C must contain at least 38% ground level fenestration on the primary face as shown on elevations incorporated herein by reference.
6. The building design, site design, construction materials and orientation on site must substantially comply with the approved site plan which is incorporated herein by reference. Any major deviations from these plans will require amendment to this ordinance.
7. All legally required local, state, and federal permits and approvals must be obtained prior to initiation of construction and any pertinent legal requirements shall be met.



IMPROVEMENTS OUTSIDE PROJECT BOUNDARY APPROVED UNDER CASE 17-05552 PZ

OPEN SPACE CALCULATIONS

CALCULATIONS BASED ON OVERALL DEVELOPMENT BOUNDARY AND APPROVED UNDER 17-05552 PZ

LESS THAN 25% GRADE	= 53,380 SF
MORE THAN 25% GRADE	= 30,275 SF
TOTAL	= 83,663 SF

SURVEY DISCLAIMER

BASE TOPOGRAPHIC SURVEY ISSUED JANE 2016, PROVIDED BY VIGONT & WILSON CONSULTING ENGINEERS, INC. ASHEVILLE, NC 828-684-9901. ADDITIONAL MORTHOGRAPHS BASED ON CONSTRUCTION DOCUMENTS FOR UNC ASHEVILLE BROWN HOUSES, PREPARED BY COLEJENEST & STONE, P.A. DATED 08/08/2017

LEGEND

SYMBOL		DETAIL
	PROPERTY LINE	-/-
	PROJECT LIMITS	-/-
	SITE / RETAINING WALL	XX
	PEDESTRIAN PERMEABLE PAVERS	19/C600
	PEDESTRIAN PAVER BANDING	24/C600
	RECONSTRUCTIVE STORMWATER CONVEYANCE	SEE SHEET C400
	CONCRETE SIDEWALK / LIGHT DUTY CONCRETE	1/C600
PA	PLANTING AREA	-/-

STAKING AND MATERIALS NOTES

1. ALL DIMENSIONS ARE TO BACK OF CURB, FACE OF BUILDING, OR CENTERLINE UNLESS OTHERWISE NOTED.
2. ALL DIMENSIONS ARE AT 90 DEGREES UNLESS OTHERWISE NOTED.
3. SEE GRADING AND DRAINAGE PLANS FOR TOP OF WALL, BOTTOM OF WALL, TOP OF STAIR, BOTTOM OF STAIR AND RAMP ELEVATIONS.
4. REFER TO ARCHITECTURAL PLANS FOR ACTUAL BUILDING DIMENSIONS.
5. ANY DISCREPANCIES BETWEEN THE CONTRACT DOCUMENTS AND ACTUAL FIELD CONDITIONS SHALL BE CALLED TO THE ATTENTION OF THE OWNER AND ENGINEER PRIOR TO PROCEEDING WITH THE WORK.
6. THE CONTRACTOR SHALL CONTACT ALL OWNERS OF UTILITIES, EASEMENTS, AND RIGHTS-OF-WAY, PUBLIC AND PRIVATE, PRIOR TO WORKING IN THOSE AREAS.
7. NO DEMOLITION LANDFILLS ALLOWED ON SITE.

DEVELOPMENT DATA BLOCK

NAME: LACY WILSON HOUSING MULTIPURPOSE BUILDING

ADDRESS: ONE UNIVERSITY HEIGHTS, ASHEVILLE NC 28804

PIN NUMBER: 9640-07-2806

TOTAL SITE AREA: 58.16 AC

TOTAL PROJECT AREA: 0.72 AC
MULTIPURPOSE BUILDING PROJECT AREA: 0.52 ACRES

DISTURBED AREA: 0.79 AC
MULTIPURPOSE BUILDING DISTURBED AREA: 0.52 ACRES

MULTIPURPOSE BUILDING DISTURBED AREA WITHIN ORIGINAL APPROVED DISTURBED LIMITS.

OWNER: UNIVERSITY OF NC ASHEVILLE FOUNDATION
ONE UNIVERSITY HEIGHTS
ASHEVILLE, NC 28804
PHONE: 828.232.5317

CIVIL ENGINEER & LANDSCAPE ARCHITECT:
COLEJENEST & STONE
LAURA VAN, PE
110 EAST MARGETT STREET, STE 300
RALEIGH, NC 27601
PHONE: 919-845-3878

ARCHITECT OF RECORD:
HANBURY
120 ATLANTIC STREET
NORFOLK, VA 23510
PHONE: 757-627-9600

MECHANICAL, ELECTRICAL, PLUMBING, AND SECURITY ENGINEER:
STANTEC NORTH INC.
1218 ASHEVILLE PL
RALEIGH, NC 27610
PHONE: 919-835-1015

STRUCTURAL ENGINEER:
SGA STRUCTURAL ENGINEERS
84 PLANTATION ROAD, SUITE 30
ASHEVILLE, NC 28803
PHONE: 828-274-6440

EXISTING ZONING DISTRICT: INSTITUTIONAL

PROPOSED ZONING DISTRICT: INSTITUTIONAL

SOIL TYPES: HYDROLOGICAL SOIL GROUP B

MATERIALS CALCULATIONS WITHIN DEVELOPED/PROJECT AREAS:

PREVIOUSLY APPROVED:

PRE:	1.75 AC.	OR	33.20%	OF OVERALL PROJECT AREA
POST:	2.34 AC.	OR	44.35%	OF OVERALL PROJECT AREA

MULTIPURPOSE BUILDING:

PRE:	0.03 AC.	OR	0.56%	OF OVERALL PROJECT AREA
POST:	0.18 AC.	OR	3.27%	OF OVERALL PROJECT AREA

STORMWATER TREATMENT AND DETENTION PROVIDED UNDER PREVIOUS CONTRACT. MULTIPURPOSE BUILDING IMPROVEMENTS APPROVED UNDER CITY OF ASHEVILLE STORMWATER MANAGEMENT PERMIT #17-01553.

BUILDING INFORMATION:

PREVIOUSLY APPROVED:

NAME	UNITS	ARCH	HEIGHTS	STORIES
BUILDING A	13	21,298 SF	48.15 FT	4
BUILDING B	13	21,298 SF	48.15 FT	4
BUILDING C	14	22,937 SF	48.15 FT	4
BUILDING D	14	22,937 SF	48.15 FT	4
BUILDING E	8	13,111 SF	48.15 FT	4

TOTAL BUILDING GROSS AREA: 93,581 SF

CITY OF ASHEVILLE LEVEL 1 SITE PLAN APPROVAL FOR BUILDINGS A-E GRANTED ON AUGUST 24, 2015.

ADDITIONAL PROPOSED:

NAME	USE	UNITS	AREA	HEIGHT	STORIES
MULTIPURPOSE BUILDING		1	1,297 SF	30.2 FT	2

TOTAL BUILDING GROSS AREA: 102,780 SF

NOTE: NO ADDITIONAL PARKING IS PROPOSED FOR THIS PROJECT. ALL PARKING HAS PREVIOUSLY APPROVED BY THE LEVEL 1 SITE PLAN REVIEW.

North Carolina 811

1. CONTRACTOR IS FULLY RESPONSIBLE FOR CONTACTING APPROPRIATE PARTIES AND ASSURING THAT EXISTING UTILITIES ARE LOCATED PRIOR TO CONSTRUCTION.
2. CONTRACTOR IS RESPONSIBLE FOR PLACING BARRICADES USING FLAG MEN, ETC. AS NECESSARY TO INSURE SAFETY TO THE PUBLIC.
3. ALL PAVEMENT CUTS, CONCRETE OR ASPHALTS ARE TO BE REPLACED ACCORDING TO STANDARDS OF THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION AND CITY OF ASHEVILLE SPECIFICATIONS.
4. SIGNING SHALL BE ACCORDING TO OSHA TRAFFICKING STANDARDS PART 1926 SUBPART F, OR AS AMENDED.

SCALE: 1"=30'

HANBURY

ColeJenest & Stone

COLEJENEST & STONE

STATE OF NORTH CAROLINA DAVID C. TOPE 03/03/15

ASHEVILLE, NORTH CAROLINA

UNIVERSITY OF NORTH CAROLINA AT ASHEVILLE

MULTIPURPOSE BUILDING

SCO ID NO.: 15-12708-02D

PROJECT NORTH / TRUE NORTH

SEAL/SEAL

MARK	DATE	DESCRIPTION
1	03/03/15	Bid SITE PLAN

PROJECT NO: 15015.00

DATE: 23 MARCH 2015

DRAWN BY: LV, KB, DT

CHECKED BY: LV, DT, TF

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HANBURY EVANS WRIGHT VLATTAS + COMPANY

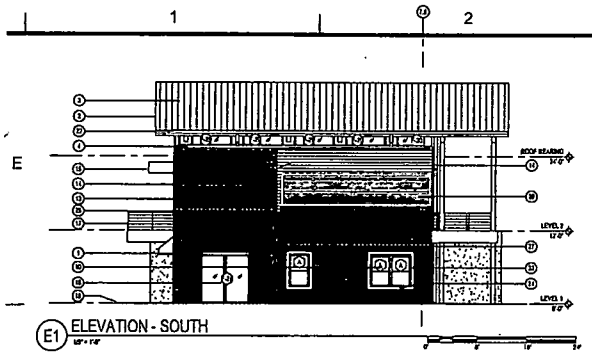
SHEET TITLE:

OVERALL DEVELOPMENT PLAN

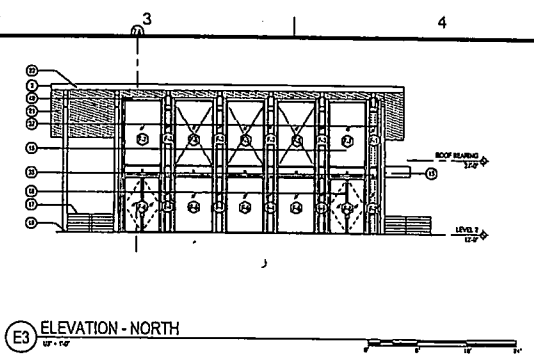
SHEET NUMBER:

C200.0

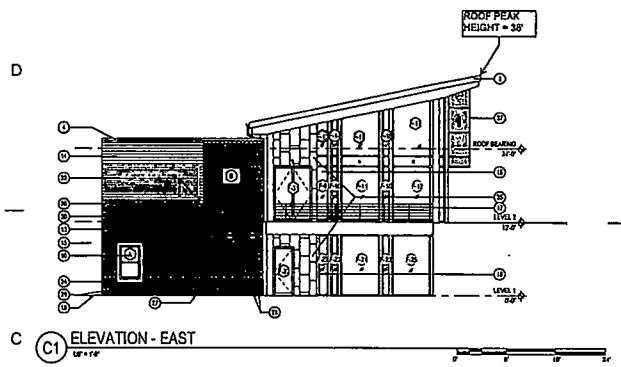
PRINTED:



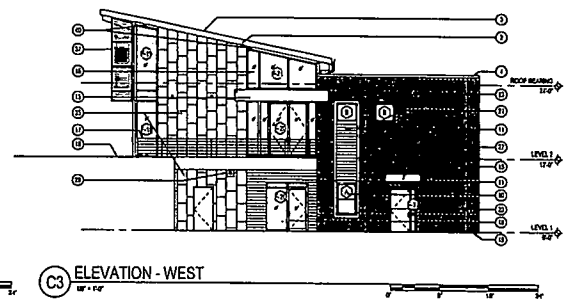
E1 ELEVATION - SOUTH



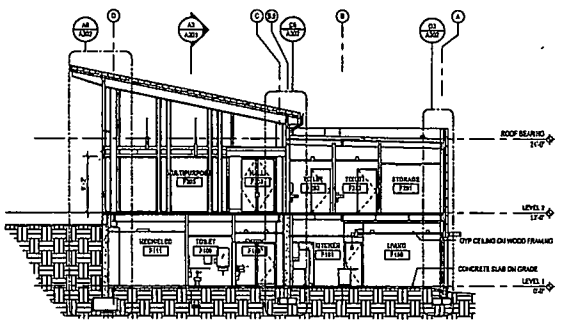
E3 ELEVATION - NORTH



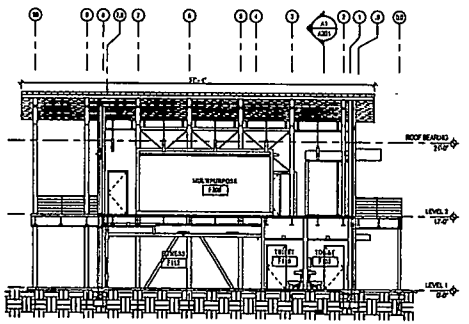
C1 ELEVATION - EAST



C3 ELEVATION - WEST

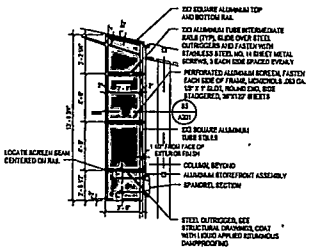


A1 LONGITUDINAL SECTION

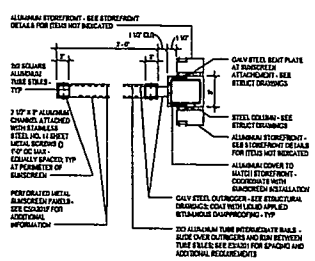


A3 TRANSVERSE SECTION

ELEVATION NOTES	
NOTE #	COMMENT
ELEVATION NOTES	
1	ALUMINUM RAIN DRIP
2	METAL COPING ROOF EDGE, TYPICAL
3	STANDING SEAM METAL ROOF
4	METAL PARAPET CAP, TYPICAL
5	ROOF TOP MECHANICAL EQUIPMENT, SEE MECHANICAL DRAWINGS
7	ALUMINUM GUTTER
8	BRACKET
9	DOWNSPOUT
10	FIBERGLASS SINGLE-HUNG WINDOW WITH TINTED LOW-E GLAZING, TYPICAL
11	HARDI LAP SIDING AND SYNTHETIC TRIM
12	RELIEF ANGLE FLASHING WITH CONTINUOUS SEALANT, TYPICAL AT EACH FLOOR LEVEL
13	BRICK VENEER, TYPICAL
14	PAINTED FIBER CEMENT SHINGLE SIDING
15	CANOPY
16	ALUMINUM STOREFRONT WITH TINTED LOW-E GLAZING
17	GUARD RAIL
18	FINISH GRADE, REFER TO CIVIL
19	FINISH GRADE BEYOND
20	BENTONITE WATERPROOFING SYSTEM ON RETAINING WALL
21	METAL PLANK SOFFIT
22	FASCIA
23	ALUMINUM WINDOW SILL, TYPICAL
24	BRICK WINDOW SILL, TYPICAL
25	PVC WINDOW SILL, TYPICAL
26	THRU-WALL SCUPPER
27	VERTICAL BRICK EXPANSION JOINT
28	EXHAUST LOUVER, REFER TO MECHANICAL
29	BRICK WATER TABLE
30	42" HIGH GUARDRAIL
31	SEGMENTAL BLOCK RETAINING WALL, REFER TO CIVIL
32	CAST IRON DOWNSPOUT BOOT, REFER TO PLUMBING AND CIVIL
33	PVC WINDOW TRIM
35	ZINC CLADDING
36	STAINLESS STEEL VENT DRYER CAP WITH INTEGRAL BACKDRAFT DAMPER - SEE MECHANICAL
37	PERFORATED ALUMINUM SUNSCREEN WITH METAL TUBE FRAME
38	ALUMINUM SPANDREL PANEL
39	MECHANICAL SCREEN
40	PREFINISHED ALUMINUM COVER AT STOREFRONT HEADER



C5 SUNSCREEN DETAIL



B5 SUNSCREEN DETAIL

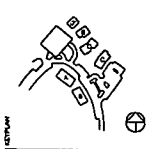
HANBURY

UNIVERSITY OF NORTH CAROLINA AT ASHEVILLE

ASHEVILLE, NORTH CAROLINA

MULTIPURPOSE BUILDING

SCO ID NO.: 15-12708-02D



MARK	DATE	DESCRIPTION
1	07/27/2018	100% CD SUBMITTAL

PROJECT NO: 15016.00

DATE: 23 MARCH 2018

DRAWN BY: ARS

CHECKED BY: Checker

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SHEET TITLE:

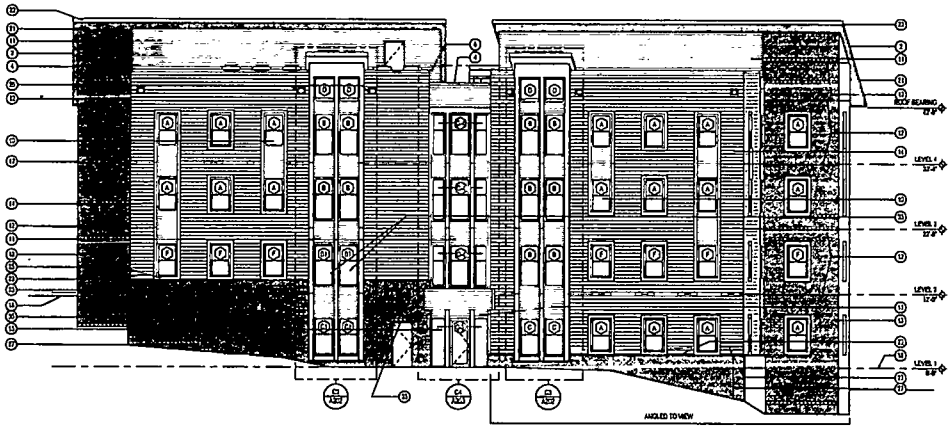
EXTERIOR ELEVATIONS & BUILDING SECTIONS

SHEET NUMBER:

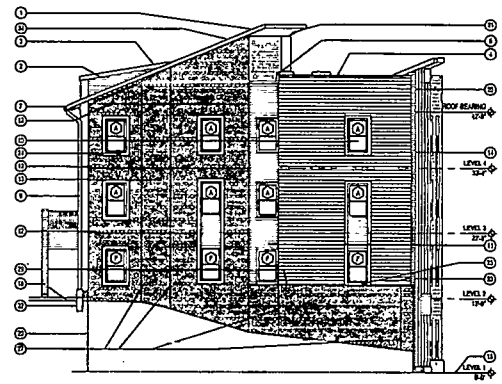
A201

PRINTED: 3/26/2018 3:33:08 PM

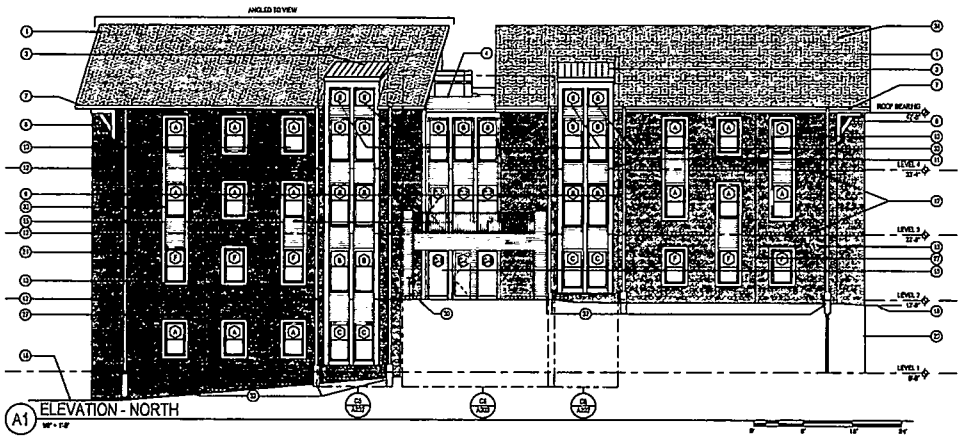
DEVELOPMENT DATA BLOCK



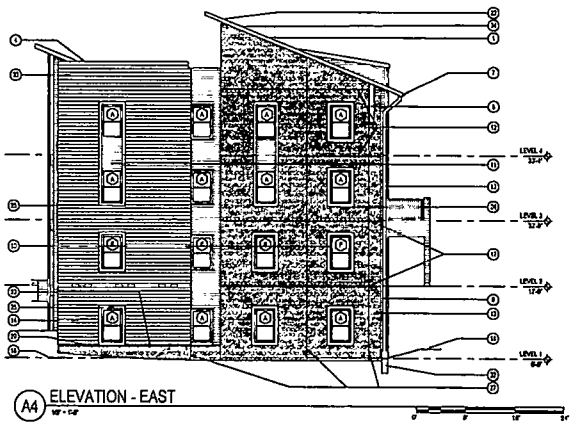
C1 ELEVATION - SOUTH



C4 ELEVATION - WEST



A1 ELEVATION - NORTH



A4 ELEVATION - EAST

NOTE: REFER TO SHEET A201A FOR KEY NOTE LEGEND

HANBURY

HANBURY EVANS WRIGHT VLATTAS + COMPANY

UNC ASHEVILLE ASHEVILLE, NORTH CAROLINA

BUILDING C

SCO ID NO.: 15-12708-02C

KEYPLAN

MARK	DATE	DESCRIPTION
2	[illegible]	PACKAGE B REVISED
1	[illegible]	PACKAGE B ELEVATION

PROJECT NO: [illegible]

DATE: 10 MAY 2017

DRAWN BY: AAS

CHECKED BY: Checker

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SHEET TITLE:

EXTERIOR ELEVATIONS

SHEET NUMBER:

A201C

PRINTED: 6/20/2017 5:01:02 PM

69

70

ORDINANCE NO. 4670

ORDINANCE ESTABLISHING CONDITIONAL ZONING FOR PROPERTY LOCATED AT 39 BRADLEY BRANCH ROAD

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statues, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this proposed amendment is consistent with the City's 2025 Comprehensive Plan and other official plans of the City, which is hereby adopted and incorporated by reference; and

WHEREAS, this proposed ordinance is determined to be reasonable and in the public interest as follows:

a. The project will provide higher density infill residential development in an ideal location off of a commercial corridor and includes 10 percent affordable housing units.
b. The development cleans up a brownfield site (unregulated landfill).
c. The applicant agrees to fund a transit shelter near the site.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

The zoning classification of that certain real property described in Exhibit A and identified on Buncombe County tax maps as a portion of PIN 9643-98-6338 recorded in Deed Book 2639, Page 32 and currently owned by MTN-COMM LLC from Highway Business District to Residential Expansion Conditional Zone district. A copy of the official zoning map showing said lots is attached hereto as Exhibit "A" and made a part hereof. Said rezoning is subject to the conditions set out in Exhibit "B.1", and

substantially complies with the site plans shown in Exhibit "C", both attached hereto and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. The ordinances shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 5. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 22nd day of May, 2018.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

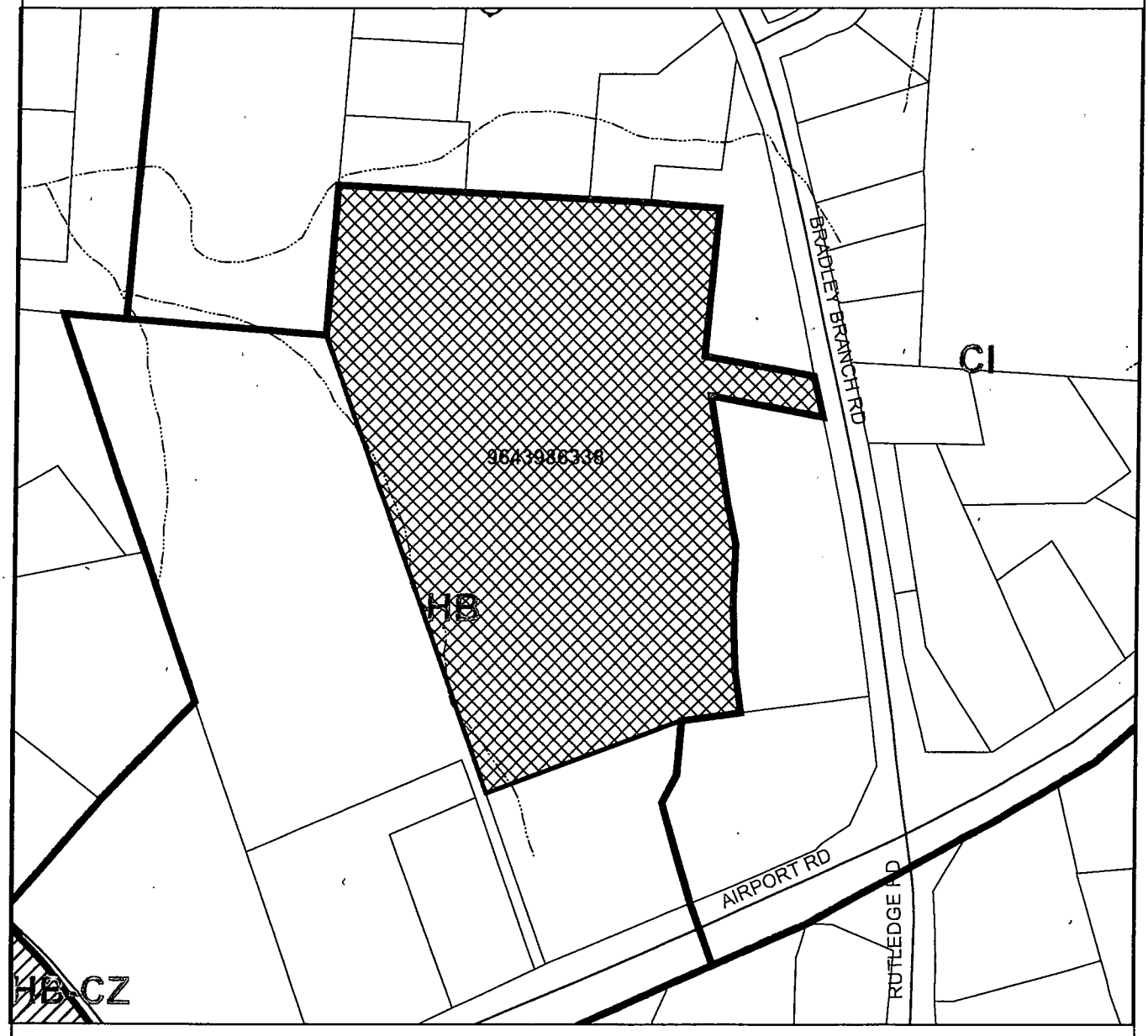
Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

52

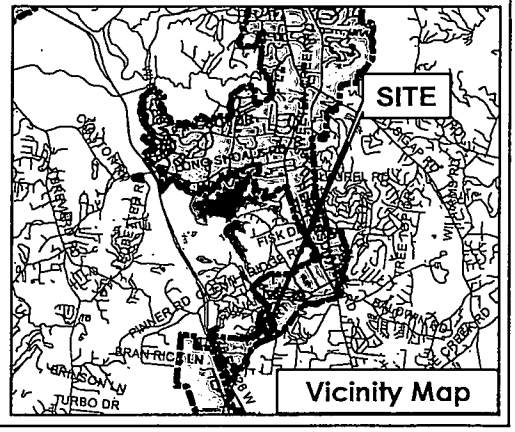
City of Asheville - Exhibit A Map
Conditional Zoning - Sweetgrass Apartments



Project Name: Sweetgrass Apartments
Project Number: 18 - 01514 PZ
Project Description: CZ from HB to RES EXP CZ
Petitioner(s): Hobie Orton
Parcel ID Number(s): 9643-98-6338

Location/Address: 39 Bradley Branch Road

Project Site | Parcels | Asheville City Limits | Conditional Use Overlay
Zoning Districts | Streets | River Areas



City of Asheville Planning and Urban Design Department - April 2018

B-1 Conditions
Sweetgrass Apartments

1. The zoning for the property is Residential Expansion – Conditional Zone (RES EXP-CZ).

2. The approval is for 248 apartments in eight buildings, one clubhouse and a maximum of 414 parking spaces.

3. At least ten percent of the units will be affordable to people at or below 80% of AMI for a period of 15 years. The rent and income shall follow the Affordable and Workforce Housing Standards determined annually by the City of Asheville Community Development Department. An Affordable Housing Deed Restriction will be provided by the City and shall be filed and recorded by the applicant/property owner in the Buncombe County Register of Deeds prior to the project receiving the final zoning permit.

4. The apartments will be built on a parcel consisting of 11.69 acres, PIN 9643-98-6338, as indicated on the Exhibit A map and site plan which are attached hereto and incorporated herein by reference.

5. The sidewalks in front of and connecting the apartment buildings and clubhouse shall be at least five feet wide as indicated on the site plan as well as the sidewalk out to Bradley Branch Road.

6. There will be a shared bicycle facility and sidewalk, in an easement with a minimum width of ten feet, across parcel 9643-97-7717 to Airport Road generally as shown on the site plan incorporated herein by reference.

7. There will be at least 2.85 acres of open space, with landscape features as indicated on the approved site plan, which is incorporated herein by reference.

8. Landscaping will meet the requirements of the UDO and includes building impact landscaping, vehicular use area landscaping, retaining wall landscaping and dumpster screening as indicated on the approved landscape plan, which is incorporated herein by reference.

9. The height of the buildings shall not exceed four stories.

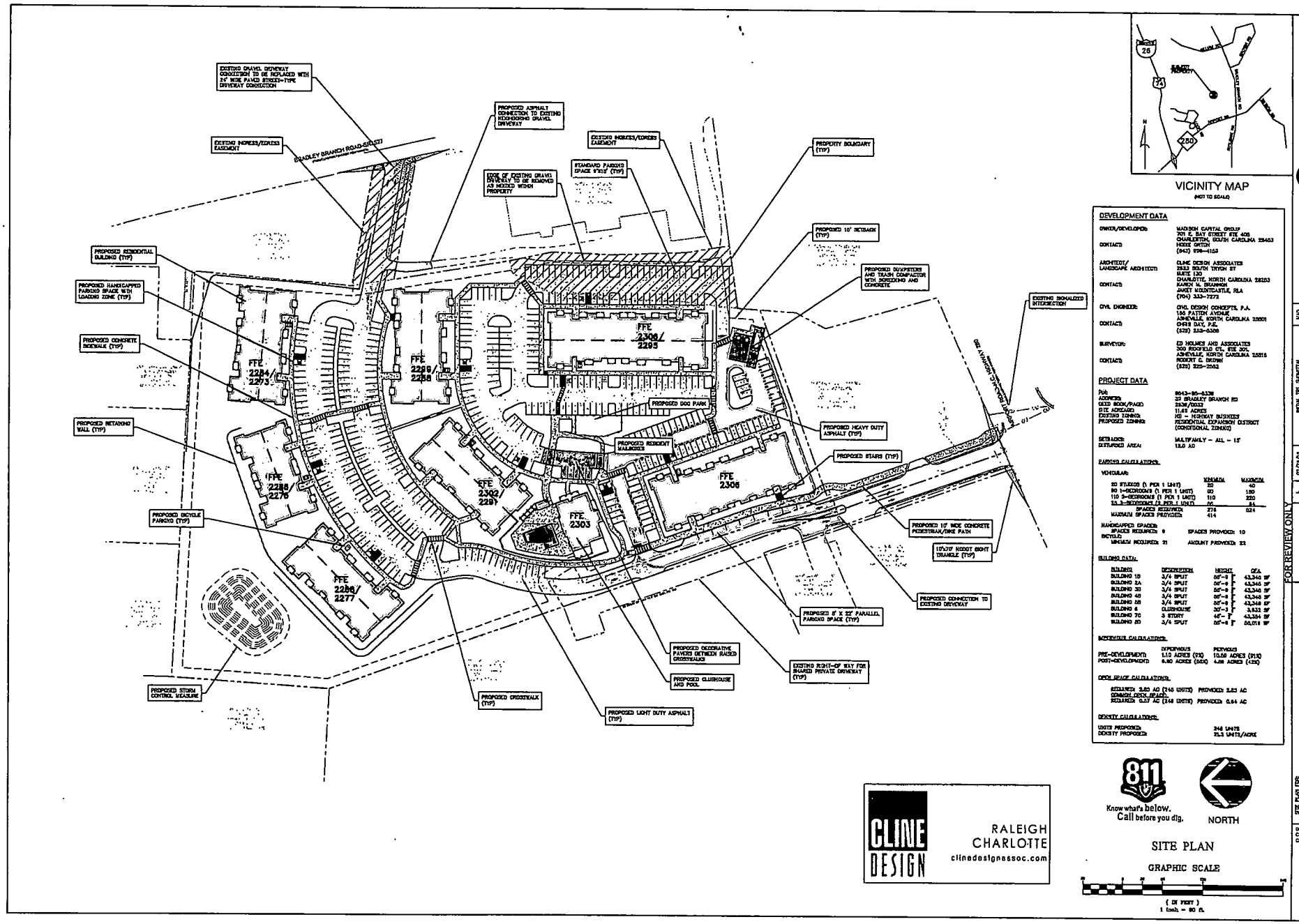
10. Developer shall provide funding for a transit pad and shelter, to be placed at a location determined by Transportation Department staff, an amount not to exceed $10,000. *The money shall be collected prior to the issuance of final zoning approval.*

11. The building design site design, construction materials, and orientation on site must substantially comply with the approved site plan, which is incorporated herein by

reference. Any major deviations from these plans will require a rezoning by the City Council.

12. All exterior lighting shall comply with the Unified Development Ordinance.

13. All legally required local, state, and federal permits and approvals must be obtained prior to initiation of construction and any pertinent legal requirements shall be met.


EXISTING GRAVEL DRIVEWAY CONNECTION TO BE REPLACED WITH 24' WIDE PAVED STREET-TYPE DRIVEWAY CONNECTION
EXISTING INGRESS/EGRESS EASEMENT
BRADLEY BRANCH ROAD (SR1137)
PROPOSED ASPHALT CONNECTION TO EXISTING HIGHBANKING GRAVEL DRIVEWAY
EDGE OF EXISTING GRAVEL DRIVEWAY TO BE REMOVED AS NEEDED WITHIN PROPERTY
EXISTING INGRESS/EGRESS EASEMENT
STANDARD PARKING SPACE 9'X19' (TYP)
PROPERTY BOUNDARY (TYP)
PROPOSED 10' SETBACK (TYP)
PROPOSED DUMPSTERS AND TRASH COMPACTOR WITH SCREENING AND CONCRETE
EXISTING SIGNALIZED INTERSECTION
PROPOSED RESIDENTIAL BUILDING (TYP)
PROPOSED HANDICAPPED PARKING SPACE WITH LOADING ZONE (TYP)
PROPOSED CONCRETE SIDEWALK (TYP)
PROPOSED RETAINING WALL (TYP)
PROPOSED BICYCLE PARKING (TYP)
PROPOSED STORM CONTROL MEASURE
PROPOSED CROSSWALK (TYP)
PROPOSED LIGHT DUTY ASPHALT (TYP)
PROPOSED DECORATIVE PAVERS BETWEEN RAISED CROSSWALKS
PROPOSED CLUBHOUSE AND POOL
PROPOSED DOG PARK
PROPOSED RESIDENT MAILBOXES
EXISTING RIGHT-OF WAY FOR SHARED PRIVATE DRIVEWAY (TYP)
PROPOSED 8' X 22' PARALLEL PARKING SPACE (TYP)
PROPOSED HEAVY DUTY ASPHALT (TYP)
PROPOSED STAIRS (TYP)
PROPOSED 10' WIDE CONCRETE PEDESTRIAN/BIKE PATH
10'X70' SIGHT SIGHT TRIANGLE (TYP)
PROPOSED CONNECTION TO EXISTING DRIVEWAY
FFE 2284/2275
FFE 2285/2258
FFE 2300/2295
FFE 2288/2276
FFE 2302/2291
FFE 2303
FFE 2306
FFE 2286/2277
CLINE DESIGN
RALEIGH
CHARLOTTE
clinedesignassoc.com
VICINITY MAP
(NOT TO SCALE)
DEVELOPMENT DATA
OWNER/DEVELOPER: MADISON CAPITAL GROUP
701 E. BAY STREET STE 405
CHARLESTON, SOUTH CAROLINA 29403
CONTACT: HOKE SMITH
(843) 996-4150
ARCHITECT/LANDSCAPE ARCHITECT: CLINE DESIGN ASSOCIATES
2933 SOUTH TRYON ST
SUITE 130
CHARLOTTE, NORTH CAROLINA 28203
CONTACT: KARCH M. BRANNON
JANET MOUNTCASTLE, RLA
(704) 333-7272
CIVIL ENGINEER: CIVIL DESIGN CONCEPTS, P.A.
156 PATTON AVENUE
ASHEVILLE, NORTH CAROLINA 28801
CONTACT: CHRIS DAY, P.E.
(828) 252-0336
SURVEYOR: ED HOLMES AND ASSOCIATES
300 ROCKFIELD CT., STE 301
ASHEVILLE, NORTH CAROLINA 28816
CONTACT: ROBERT C. BROWN
(828) 225-2042
PROJECT DATA
Pin: 9643-85-4338
ADDRESS: 33 BRADLEY BRANCH RD
DEED BOOK/PAGE: 2338/0032
SITE ACREAGE: 11.49 ACRES
EXISTING ZONING: HS - HIGHWAY BUSINESS
PROPOSED ZONING: RESIDENTIAL EXPANSION DISTRICT (CONDITIONAL ZONING)
SETBACKS: MULTIFAMILY - ALL - 15'
DISTURBED AREA: 12.0 AC
PARKING CALCULATIONS:
VEHICULAR:
MINIMUM MAXIMUM
20 STUDIOS (1 PER 1 UNIT) 20 40
80 1-BEDROOMS (1 PER 1 UNIT) 80 160
110 2-BEDROOMS (1 PER 1 UNIT) 110 220
53 3-BEDROOMS (2 PER 1 UNIT) 106 84
SPACES REQUIRED 316 524
MAXIMUM SPACES PROVIDED 414
HANDICAPPED SPACES:
SPACES REQUIRED: 8 SPACES PROVIDED: 10
BICYCLE:
MINIMUM REQUIRED: 21 AMOUNT PROVIDED: 22
BUILDING DATA:
BUILDING DESCRIPTION HEIGHT SFA
BUILDING 1B 3/4 SPLIT 55'-0" 43,348 SF
BUILDING 2A 3/4 SPLIT 55'-0" 43,348 SF
BUILDING 3B 3/4 SPLIT 55'-0" 43,348 SF
BUILDING 4B 3/4 SPLIT 55'-0" 43,348 SF
BUILDING 5B 3/4 SPLIT 55'-0" 43,348 SF
BUILDING 6 CLUBHOUSE 30'-1" 3,833 SF
BUILDING 7C 3 STORY 45'- 0" 43,334 SF
BUILDING 8D 3/4 SPLIT 55'-0" 50,018 SF
IMPERVIOUS CALCULATIONS:
IMPERVIOUS PERVIOUS
PRE-DEVELOPMENT: 1.10 ACRES (9%) 10.39 ACRES (91%)
POST-DEVELOPMENT: 6.30 ACRES (55%) 4.98 ACRES (43%)
OPEN SPACE CALCULATIONS:
REQUIRED: 2.83 AC (246 UNITS) PROVIDED: 2.83 AC
COMMON OPEN SPACE:
REQUIRED: 0.57 AC (246 UNITS) PROVIDED: 0.64 AC
DENSITY CALCULATIONS:
UNITS PROPOSED: 246 UNITS
DENSITY PROPOSED: 21.3 UNITS/ACRE
811
Know what's below.
Call before you dig.
NORTH
SITE PLAN
GRAPHIC SCALE
(IN FEET)
1 inch = 80 ft.
CDC Civil Design Concepts, PA
156 PATTON AVENUE
ASHEVILLE, NC 28801
PHONE (828) 252-0336
FAX (828) 252-0026
63 WALLACE STREET - SUITE B
HENDERSONVILLE, NC 28739
PHONE (828) 693-8314
FAX (828) 692-6422
www.cdcdesignconcepts.com
NC FIRM LICENSE #: C-0746
FOR REVIEW ONLY
PRELIMINARY NOT RELEASED FOR CONSTRUCTION
SITE PLAN FOR:
SWEETGRASS AIRPORT ROAD
MADISON CAPITAL GROUP - ASHEVILLE, NORTH CAROLINA
DRAWN BY: MAD
CDC PROJECT NO.: 11734
CDA SP: 19-0131-PZ
SHEET
C201
NO. DATE DESCRIPTION BY
1 08/04/19 INITIAL TRC SUBMITTAL MAD
2 09/09/19 REVISED INITIAL DRC SUBMITTAL MAD
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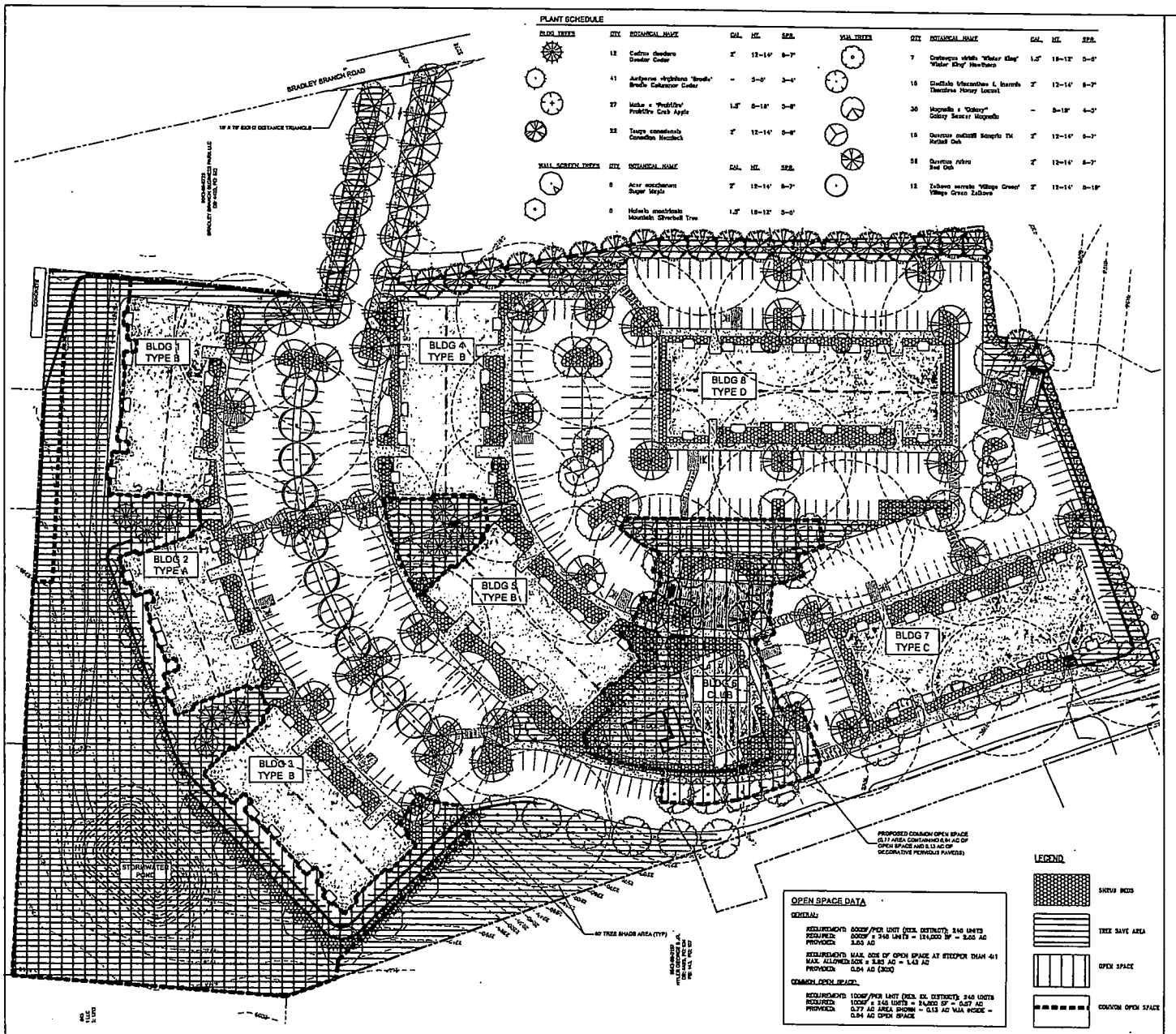

Landscape Plan 02

PLANT SCHEDULE

BLDG TREES	QTY	BOTANICAL NAME	CAL.	HT.	SPR.
	12	Cedrus deodara Deodar Cedar	2"	12-14'	6-7'
	41	Juniperus virginiana 'Brodie' Brodie Juniper Cedar	-	5-6'	3-4'
	27	Malus x 'Prairifire' Prairifire Crab Apple	1.5"	8-10'	5-6'
	22	Tsuga canadensis Canadian Hemlock	2"	12-14'	5-6'

WALL SCREEN TREES	QTY	BOTANICAL NAME	CAL.	HT.	SPR.
	8	Acer saccharum Sugar Maple	2"	12-14'	6-7'
	8	Halesia monticola Mountain Silverbell Tree	1.5"	10-12'	5-6'

VUA TREES	QTY	BOTANICAL NAME	CAL.	HT.	SPR.
	7	Crataegus viridis 'Winter King' 'Winter King' Hawthorn	1.5"	10-12'	5-6'
	16	Gleditsia triacanthos f. inermis Thornless Honey Locust	2"	12-14'	6-7'
	30	Magnolia x 'Galaxy' Galaxy Saucer Magnolia	-	8-10'	4-5'
	19	Quercus coccinea Scarlet Oak	2"	12-14'	6-7'
	58	Quercus rubra Red Oak	2"	12-14'	6-7'
	12	Zelkova serrata 'Village Green' Village Green Zelkova	2"	12-14'	8-10'

DEVELOPMENT DATA

OWNER/DEVELOPER: MADISON CAPITAL GROUP
701 E. BAY STREET STE 403 CHARLESTON, SOUTH CAROLINA 29403
CONTACT: HOOK ORTON
(843) 720-4138

ARCHITECT/ LANDSCAPE ARCHITECT: CLINE DESIGN ASSOCIATES
2923 SOUTH TRYON ST
SUITE 130
CHARLOTTE, NORTH CAROLINA 28203
SARCH M. BRANNON
JANET MOUNTCASTLE, PLA
(704) 333-7272

CIVIL ENGINEER: CIVIL DESIGN CONCEPTS, P.A.
188 PATTON AVENUE
ASHEVILLE, NORTH CAROLINA 28801
CHRIS DAY, P.E.
(828) 253-0360

SURVEYOR: ED HOLMES AND ASSOCIATES
300 RIDGFIELD CT., STE 301,
ASHEVILLE, NORTH CAROLINA 28818
RONNIE L. BROWN
(828) 223-2342

PROJECT DATA

PIN: 9843-23-6330
ADDRESS: 38 BRADLEY BRANCH RD
DEED BOOK/PAGE: 2238/0032
SITE ACREAGE: 11.69 ACRES
EXISTING ZONING: HB - HIGHWAY BUSINESS
PROPOSED ZONING: HB-CZ
RESIDENTIAL EXPANSION DISTRICT

SETBACKS: MINIMALLY - ALL - 15'
DISTURBED AREA: 13.0 AC

PARKING CALCULATIONS:
VEHICULAR:

	MINIMUM	MAXIMUM
20 STUDIOS (1 PER 1 UNIT)	20	40
60 1-BEDROOMS (1 PER 1 UNIT)	60	120
110 2-BEDROOMS (1 PER 1 UNIT)	110	220
58 3-BEDROOMS (2 PER 1 UNIT)	58	84
SPACES REQUIRED	278	524
MAXIMUM SPACES PROVIDED:	414	

HANDICAPPED SPACES
SPACES REQUIRED: 9 SPACES PROVIDED: 10
BICYCLE:
MINIMUM REQUIRED: 21 AMOUNT PROVIDED: 22

BUILDING DATA:

BUILDING	DESCRIPTION	HEIGHT	GFA
BUILDING 1B	3/4 SPLIT	38.75'	43,348 SF
BUILDING 2A	3/4 SPLIT	38.75'	34,343 SF
BUILDING 3B	3/4 SPLIT	38.75'	43,348 SF
BUILDING 4B	3/4 SPLIT	38.75'	43,348 SF
BUILDING 5B	3/4 SPLIT	38.75'	34,348 SF
BUILDING 6	CLUBHOUSE	30.25'	2,922 SF
BUILDING 7C	3 STORY	46.03'	43,384 SF
BUILDING 8D	3/4 SPLIT	38.75'	38,018 SF

IMPERVIOUS CALCULATIONS:

	IMPERVIOUS	PERVIOUS
PRE-DEVELOPMENT:	1.10 ACRES (9%)	10.59 ACRES (91%)
POST-DEVELOPMENT:	6.80 ACRES (58%)	4.89 ACRES (42%)

OPEN SPACE CALCULATIONS:
REQUIRED: 2.85 AC (248 UNITS) PROVIDED: 2.85 AC*
COMMON OPEN SPACE:
REQUIRED: 0.57 AC (248 UNITS) PROVIDED: 0.84 AC*
*SEE OPEN SPACE TABLE FOR MORE INFO

DENSITY CALCULATIONS:
UNITS PROPOSED: 248 UNITS
DENSITY PROPOSED: 21.8 UNITS/ACRE

SEC. 7-10-6 RETAINING WALLS:
REQUIRED OF 8-13 HIGH WALLS: NATURAL OR ARTIFICIAL STONE FACE
PROPOSED OF 8-13 HIGH WALLS: NATURAL OR ARTIFICIAL STONE FACE

REQUIRED PLANTING OF 13-25' HIGH WALLS (229 LF): 5' PLANTING STRIP + 8 SMALL MATURING TREES
-5' WIDE PLANTING STRIP WITH 23 SHRUBS 5' OC +
-229 LF X (1 SMALL TREE/ 30 LF)
PROPOSED PLANTING OF 13-25' HIGH WALLS: 5' PLANTING STRIP + 8 SMALL MATURING TREES

REQUIRED PLANTING OF 30' + HIGH WALLS (330 LF): 10' PLANTING STRIP + 8 LARGE MATURING TREES
-10' WIDE PLANTING STRIP WITH 33 SHRUBS 5' OC +
-330 LF X (1 LARGE TREE/ 40 LF)
PROPOSED PLANTING OF 30' HIGH WALLS: 10' PLANTING STRIP + 8 LARGE MATURING TREES

SEC. 7-11-V.(4) PARKING LOT LANDSCAPING: 306,189 SF VUA:
REQUIRED TREES: 337 TREES REQUIRED
-203,189 SF VUA X (1 TREE/1000 SF VUA)
-228 TO BE LARGE DECIDUOUS TREES
-48,000 SF VUA
REQUIRED SHRUBS: 547 SHRUBS REQUIRED
-203,189 SF VUA X (1 SHRUB/1000 SF VUA)
-50% WITHIN STORMWATER BLANKS AND MEDIANS
-48,000 SF VUA
PROPOSED TREES: 337 TREES PROPOSED
PROPOSED SHRUBS: 547 SHRUBS PROPOSED

SEC. 7-11-V.(5) BUILDING IMPACT LANDSCAPING: 101,871 SF FOOTPRINT:
REQUIRED TREES: 102 TREES REQUIRED
-101,871 SF FP X (1 TREE/1000 SF FP)
REQUIRED SHRUBS: 204 SHRUBS REQUIRED
-101,871 SF FP X (2 SHRUBS/1000 SF FP)
PROPOSED TREES: 102 TREES PROPOSED
PROPOSED SHRUBS: 204 SHRUBS PROPOSED

SEC. 7-11-V.(6) SCREENING OF DUMPSTERS, LOADING AND UTILITIES:
REQUIRED SCREENING: HEDGE OR FENCE/WALL REQUIRED
-CONTINUOUS HEDGE OF EVERGREEN TREES, 8' OC MIN, OR
-6' HIGHT MIN SOLID FENCE OR WALL
PROPOSED SCREENING: HEDGE OR FENCE/WALL PROPOSED

SEC. 7-11-V.(7) TREE SAVE AREAS:
REQUIRED AREA: 20% OF SITE: 152,333 SF TREE SAVE AREA REQUIRED
-20% X 509,316 = 152,333 SF (3.5 AC)
-MIN. 5000 SF AREA PER POCKET
-MAY INCLUDE: OPEN SPACE, COMMON AREAS, & BUFFERS
REQUIRED 2" CAL TREES: 23 LG. TREES REQUIRED
-1.5 AC X (5 LG 2" TREES/ AC)
-20% WAS SAVE TREE
REQUIRED 3" CAL TREES: 49 LG. TREES REQUIRED
-3.5 AC X (14 LG 3" TREES/ AC)
-20% WAS SAVE TREE
REQUIRED 1.5" CAL UNDERSTORY TREES: 37 UND. TREES REQUIRED
-3.5 AC X (10 UND. 1.5" TREES/ AC)
-20% WAS SAVE TREE
REQUIRED SHRUBS, 18" HT OR 23: 175 SHRUBS REQUIRED
-3.5 AC X (50 18" SHRUBS/ AC)
-20% WAS SAVE SHRUB
PROPOSED AREA: 152,833 SF TREE SAVE AREA PROPOSED
PROPOSED 2" CAL TREES: 23 LG. TREES PROPOSED/EXISTING
PROPOSED 3" CAL TREES: 49 LG. TREES PROPOSED/EXISTING
PROPOSED 1.5" CAL UNDERSTORY TREES: 37 UND. PROPOSED/EXISTING
PROPOSED SHRUBS, 18" HT OR 23: 175 SHRUBS PROPOSED/EXISTING

Data Block 01

CLINE DESIGN
125 N. Harrington St.
Raleigh, NC 27603
919/833-6413
919/836-1280 FAX
ClineDesignAssoc.com

Madison Capital Group, LLC
Sweetgrass Airport Road
Airport Road
Asheville, North Carolina

Preliminary Review

PROJECT: 217078
DATE: 02.28.2018

REVISIONS:	DATE
Per Review Comts.	04.11.2018
Per Review Comts.	04.24.2018

DRAWN BY: SP
CHECKED BY: MJ/JBM

Landscape Plan And Calculations

LP1.00

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ORDINANCE NO. 4671

ORDINANCE AMENDING CONDITIONAL ZONING FOR PROPERTY LOCATED AT 301 E. CHESTNUT STREET

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this proposed amendment is consistent with the City's 2025 Comprehensive Plan, Smart Growth policies, and other official plans of the City for the reasons set out in the Staff Report, which is hereby adopted and incorporated by reference; and

WHEREAS, this proposed ordinance is determined to be reasonable and in the public interest as follows:

a. Protects and preserves the historic structure through adaptive reuse
b. Supports the service and tourism industries
c. Provides a walkable neighborhood service and amenity.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

The zoning classification of that certain real property described in Exhibit A and identified on Buncombe County tax maps as PIN 9649-63-6041 and recorded in Deed Book 5508, Page 1334, and currently owned by Harry and Colleen Eden, be amended by adding a 44-seat restaurant to the uses on the property as set out in Exhibit "B1" and substantially complies with the site plans shown in Exhibit C, attached hereto and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

78

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance.. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. The ordinances shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 5. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 22nd day of May, 2018.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

City of Asheville - Exhibit A Map
Conditional Zoning Amendment
Princess Anne Hotel - 301 E. Chestnut St.

ASHEVILLE

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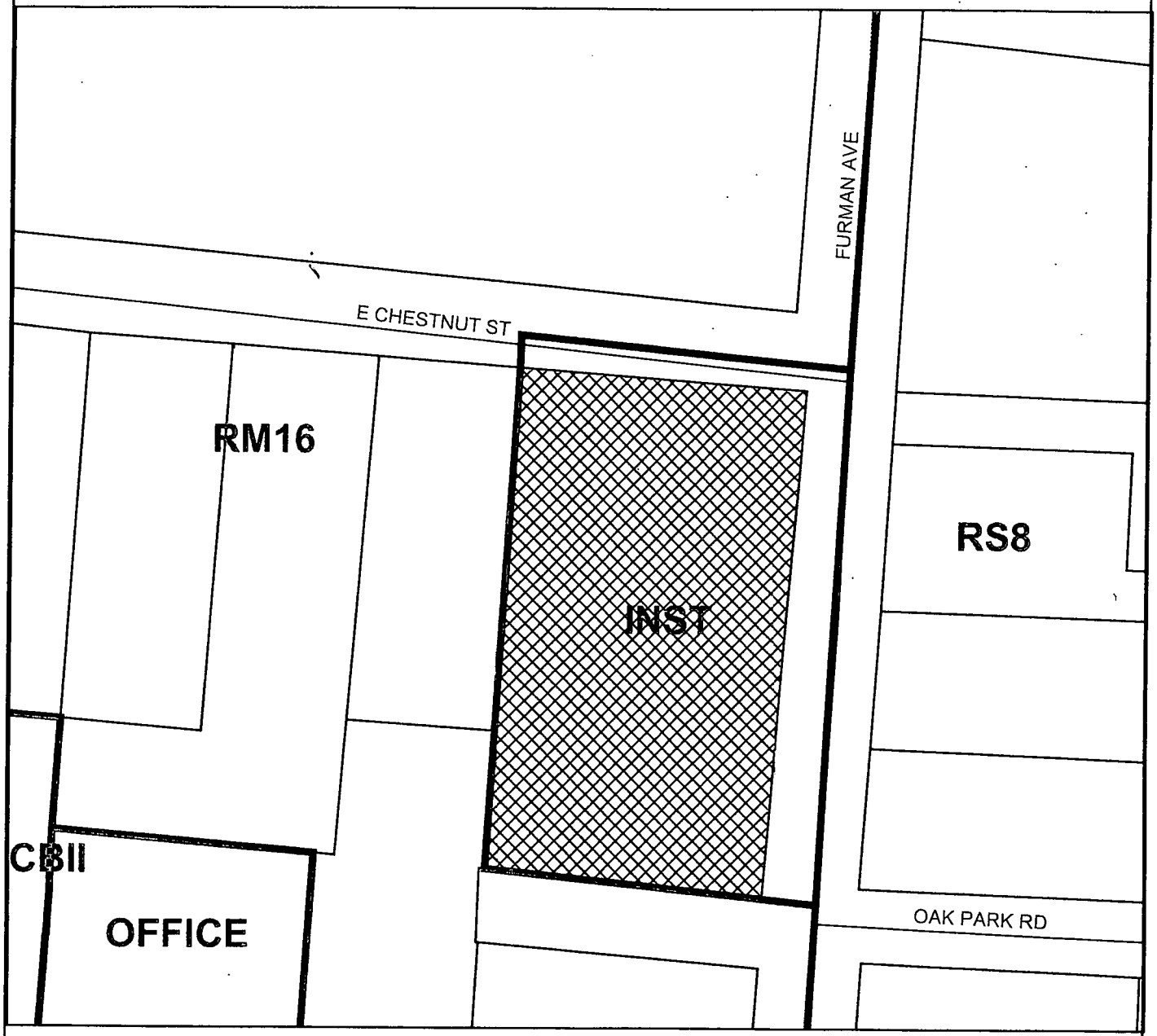
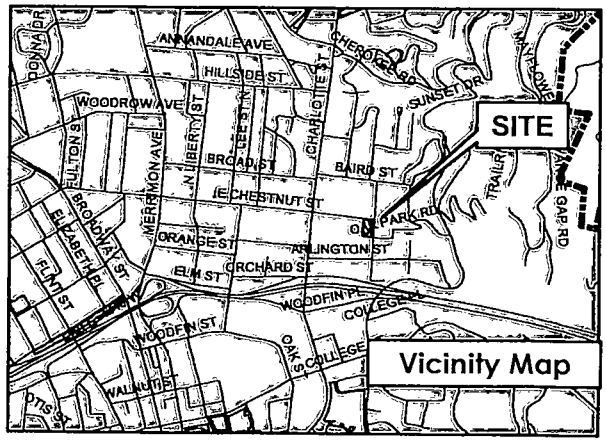


Project Name: Princess Anne
Project Number: 18-01123 PZ
Project Description: CZ Modification - adding rest.
Petitioner(s): Samantha Fann
Parcel ID Number(s): 9649-63-6041

Location/Address: 301 E. Chestnut St.



Project Site
Parcels
Zoning Districts
Asheville City Limits
Streets
Streams

City of Asheville Planning and Urban Design Department - February 2018

EXHIBIT B-1 CONDITIONS – 301 E. CHESTNUT STREET

1. This ordinance shall replace Ordinance No. 3388.

2. The property is zoned Institutional-Conditional Zone (INST-CZ).

3. Existing 6-foot back of curb sidewalks shall be maintained in their current, or substantially similar, condition.

4. There shall be a 15-space parking lot on the property. Accessible parking for the restaurant use shall be accommodated.

5. The existing 3-story, historic structure shall be maintained in its current form - no additional building or site work is proposed. Future site or building work must first obtain approval. Changes that are minor in nature and consistent with this approval will not require an amendment to this Ordinance.

6. Changes to landscaping may be permitted provided minimum compliance as demonstrated on Exhibit C - Zoning Compliance and Landscape Plan is maintained. All landscaping shall be kept in good condition and meet the city's Compliance and maintenance standards [UDO Sec. 7-11-3(f)].

7. The permitted uses on the property shall be limited to the following:
   a) A sixteen room hotel.
   b) Three apartments for hotel or restaurant staff.
   c) A 44 seat dining room to be open to guests and the general public.
   d) Special functions or events. Special functions or events that exceed seventy-five persons shall be restricted to no more than four such large events per month and in those circumstances, special off-street remote parking arrangements shall be required. There shall be no limit on the number of special events involving fewer persons.

8. The restaurant will be permitted to be open seven days a week for breakfast, lunch and dinner.

9. All site lighting shall comply with the city's lighting ordinance.

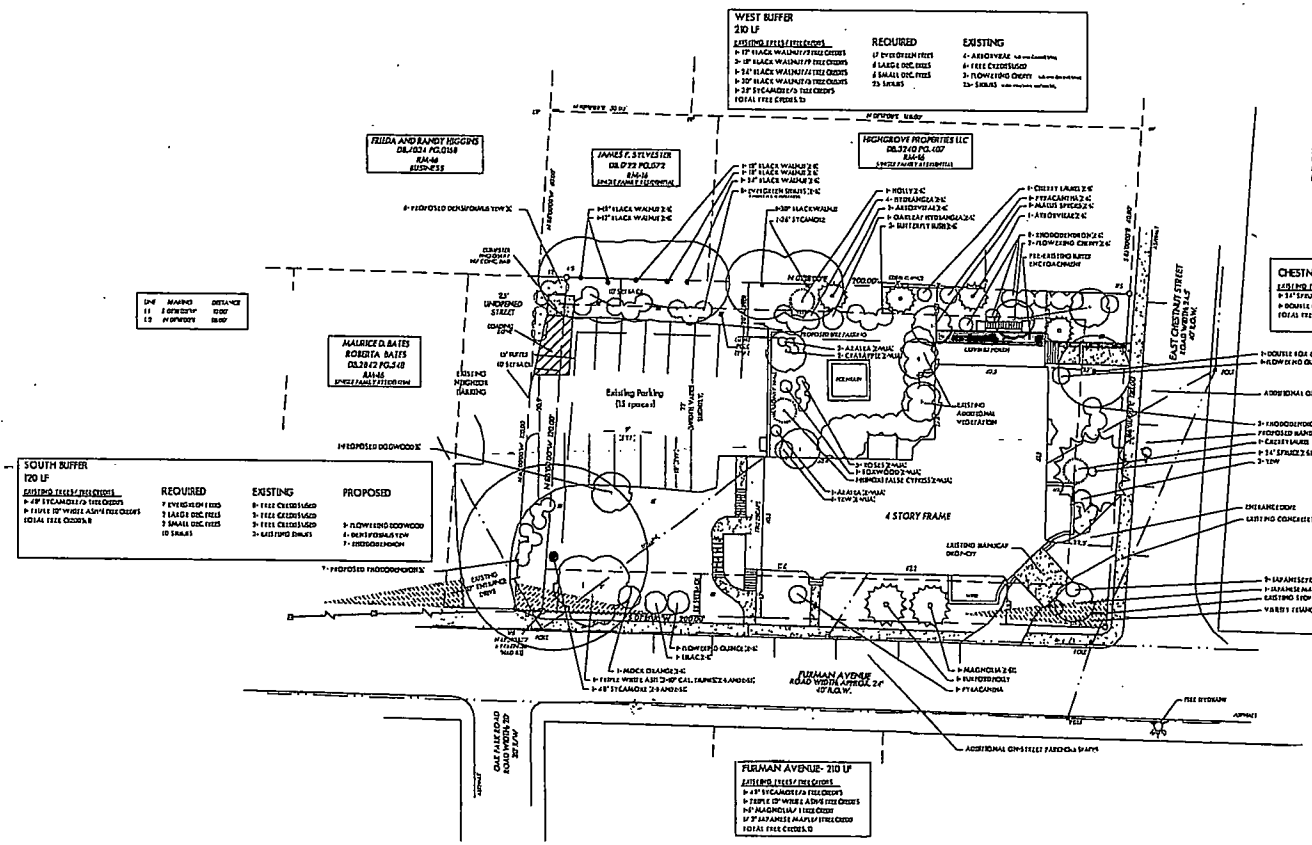
10. All signage shall comply with the city's sign ordinance.

11. The building design, site design, construction materials, and orientation on site must substantially comply with the approved site plan, which is incorporated herein by reference. Any major deviations from these plans will require a rezoning by the City Council.

18

PLANT LIST

1	Cornus florida	Flowering Dogwood	1.5-2'	8-10'		B&B	Standard, straight trunk, branching begins at 2', balanced head
7	Rhododendron catawbiense English Roseum'	English Roseum Rhododendron		24-30"	18-24"	B&B/cont.	Full to ground, dense branching
6	Taxus x media 'densiformis'	Densiformis Yew		24-30"	30-36"	B&B/cont.	Full to ground, dense branching, self-supporting, sturdy stems



PROJECT SUMMARY

Contact

Current Zoning

Rezoning Requests

Setbacks

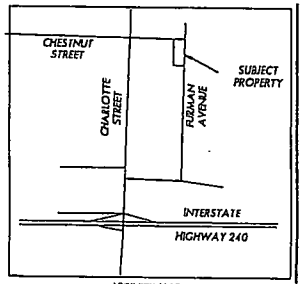
AREA CALCULATIONS

Site Area

Open Space

Impervious Surface

BUILDING SUMMARY



VICINITY MAP

PARKING SUMMARY

PLANTING SUMMARY

Plantings Required Based on Bufferyard Requirements

SOUTH BUFFER

WEST BUFFER

Plantings Required Based on Parking Lot Requirements

Trees Required Based on Street Tree Requirements

PLANTING LEGEND

SCALE: 1" = 20'-0"

0 10' 20' 40' 60'

LANDSCAPE ARCHITECTURE · LAND PLANNING · URBAN DESIGN

sitework studios

A SCHEMATIC MASTER PLAN FOR:

PRINCESS ANNE HOTEL

PREPARED FOR:

HOWARD STAFFORD
301 EAST CHESTNUT STREET
ASHEVILLE, NORTH CAROLINA 28801

CONSULTANTS:

REVISIONS:

NO.	REMARKS	DATE
1	REVISED	08.31.06

SHEET TITLE:

ZONING COMPLIANCE AND LANDSCAPE PLAN

NORTH CAROLINA REGISTERED LANDSCAPE ARCHITECT C-188

FOR CONSTRUCTION

DATE:
07/27/2006

SHEET NO.
L-100

82

ORDINANCE NO. 4672

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 19th day of June, 2018.

Magdalen Burleson
City Clerk

Edwin E. Martin
Mayor

Approved as to form:

City Attorney

PURPOSE: Approve funds be appropriated from the Property & Liability Fund into the Water Resources Capital Projects Fund to reimburse expended funds from which insurance proceeds were received.

CITY OF ASHEVILLE

BUDGET AMENDMENT

FISCAL YEAR	EFFECTIVE DATE
2017/18	6/19/2018

Purpose: To appropriate property insurance funds in the Water Resources Capital Projects Fund for hail damage occurring at the North Fork Reservoir water production facility.

Requesting Department: Water Resources

Amendment to: Water Resources Capital Projects Fund

Account		Current Budget	Amended Budget	Increase (Decrease)
Revenues				
61190911-498813-W1806	Transfer from Property & Liability Fund	$ -	$ 146,246.40	$ 146,246.40
Expenditures				
61100911-615101-W1806	Infrastructure	$ 1,529,094.00	$ 1,675,340.40	$ 146,246.40
BALANCE				$ - .00

Revision to: Property & Liability Fund

Account		Current Budget	Amended Budget	Increase (Decrease)
Expenditures				
81300038-525002	Claims	$ 942,100.00	$ 795,853.60	$ (146,246.40)
81390038-800611	Transfer to Water Capital Projects Fund	$ - .00	$ 146,246.40	$ 146,246.40
BALANCE				$ - .00

Magdalen Bourleson

84

ORDINANCE NO. 4673

ORDINANCE AMENDING AND REPLACING ORDINANCE NO. 4615 GRANTING A FRANCHISE TO OPERATE A PEDAL BICYCLE TAXI SERVICE WITHIN THE CITY OF ASHEVILLE

WHEREAS, the City of Asheville (herein "City") has the authority pursuant to G.S. 160A-296 to control the use of streets and sidewalks within the city; and

WHEREAS, the City of Asheville has the authority pursuant to G.S. 160A-76 to grant franchises; and

WHEREAS, the City approved Ordinance No. 4615 granting a Franchise to Here To There Adventures, a North Carolina Limited Liability Company, to operate a pedal bicycle taxi service on the streets of the City; and

WHEREAS, Here To There Adventures has requested an amendment to said ordinance in order to change the hours of operation and to change the name of the business owner; and

WHEREAS, they City hereby approves these requested amendments to the Franchise Agreement; and

WHEREAS, the City has determined that it is in the public interest to permit the operation of said service on the City's streets, subject to certain terms and conditions;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. **Here To There Adventures** is hereby granted a franchise to operate a Pedal Bicycle Taxi Service (herein "Pedicab Service") on the streets of the City of Asheville subject to the following terms and conditions:

1. Route: The Pedicab Service is allowed only in the following areas: Central Business District, River Arts District, and Historic Montford District and along SR 3548 (Clingman Avenue) from Clingman Avenue Extension to Hilliard Avenue as shown on the map attached hereto as **Exhibit A**. In addition, the Pedicab Service is prohibited from operating on public streets where the speed limit is thirty-five (35) miles per hour or higher. The one exception is the section of SR 3548 (Clingman Avenue) that provides access to the River Arts District. This section of street has a bicycle climbing lane and the pedal bicycle taxis are required to use it. The operation of the Pedicab Service shall be designed so as to minimize traffic impacts upon the general circulation of vehicular and pedestrian traffic of the City. The Pedicab Service shall not load or unload passengers directly from Patton Avenue, College Street, Broadway or Biltmore Avenue unless there is an open parking space

into which the pedicab can safely enter in order to prevent blocking the flow of traffic.

2. Stops: Pedicab Service stops may not exceed three minutes on any public right-of-way, except as necessary to embark and debark passengers, or with the written permission of the City Traffic Engineer. All service stops shall be made in a way to minimize any possible disruption to the flow of vehicular traffic.

3. Operating times/frequency: The hours of operation would be Monday through Sunday from 8:00 am until 3:00 am with one to three vehicles operating. City reserves right to reassess these new hours of operation one (1) year from the execution date of this Franchise in order to ensure that no issues were created by the additional hours.

4. Terms of Franchise/Renewal: The term of this Franchise shall be indefinite, subject to the Revocation/Termination provisions of Paragraph 10 of this Ordinance.

5. Insurance: **Here To There Adventures** shall maintain Commercial General Liability insurance, including coverage for contractual liability, liability from independent contractors, property damage liability, bodily injury liability, and personal injury liability with limits of not less than $1,000,000 per occurrence, and $1,000,000 annual aggregate. The coverage shall be written on an occurrence basis. At all times during the term of this Franchise, **Here To There Adventures** shall maintain statutory Workers' Compensation insurance in accordance with the laws of North Carolina. **Here To There Adventures** shall also maintain Employers' Liability insurance with limits of not less than $500,000 per accident and $100,000 each employee for injury by disease. **Here To There Adventures** shall submit copies of all said policies and a certificate of insurance naming the City as an additional insured for the approval of the City's Risk Manager. Approval from the City's Risk Manager shall be obtained prior to beginning any operation in the City of Asheville.

   Here To There Adventures shall submit copies of said insurance policy and a certificate of insurance for approval to the City's Risk Manager prior to starting operations in the City of Asheville.

6. Indemnity: By commencing operation under this Franchise, **Here To There Adventures** agrees to indemnify and hold harmless the City against any liability for personal injury, property damage or other damage or injury arising from or in connection with any of **Here To There Adventures's** operations, including operation of the pedicab service under this Franchise, and its insurance policy shall name the City as an additional insured to this effect.

7. Pedicab Equipment/Condition of Vehicles: **Here To There Adventures** may determine whatever pedicab model(s) it sees fit to use, provided that all pedicabs shall be of single frame construction, have operable brakes on the front and back wheels, have seat belts for passengers, and be designated as a slow moving vehicle with reflective sign on the back. **Here To There Adventures** may also install an electric assist motor for each pedicab which can be no greater than 750 watts and not greater than one horse power. **Here To There Adventures** is responsible for ensuring that all pedicab equipment is maintained in a safe and operable condition in accordance with applicable laws. The City reserves the right to have the pedicabs inspected by the City's taxi inspector, appointed pursuant to city Code Sec. 18-9, and to restrict operation of any pedicabs that fail inspection.

8. Standards for Drivers/Conductors: **Here To There Adventures** shall certify in writing to the City that each driver has a valid North Carolina driver's license, is medically fit to operate the pedicab and has submitted a complete criminal background check. **Here To There Adventures** shall keep these records on file and will supply this information to the City upon request. Drivers with convictions for crimes of moral turpitude, driving while impaired, controlled substance offenses and sex offenders are prohibited from operating a pedicab with tin the City limits.

9. Non-transferability/Amendment: This Franchise shall constitute a certificate of public convenience and necessity for the operation of the Pedicab Service. This Franchise is not transferable, except to another entity owned by **Here To There Adventures** with written agreement from the City, and may not be amended except as provided in G.S. 160A-76 and G.S. 160A-304(b). This Franchise is not exclusive.

10. Revocation/Termination: The City may revoke this Franchise at any time for failure by **Here To There Adventures** to comply with any of the provisions hereof; provided, that **Here To There Adventures** shall receive 10 days' notice of said revocation during which time this franchise may only be suspended.

    The City may revoke this Franchise for any reason upon 30 days' notice to **Here To There Adventures**. **Here To There Adventures** shall be entitled to no compensation or payment as a result of the revocation of this franchise for any reason.

    Here To There Adventures may cease operations under this Franchise upon 30 days' notice to the City.

11. Notice: Any notices required or permitted pursuant to this franchise shall be first class mail or personal delivery to the parties as follows:

    If to **Here To There Adventures**: If to City:

Jude Luc Richard
82 Crestfield Avenue
Asheville, NC 28804

City Attorney
70 Court Plaza
Asheville, NC 28801

Compliance with the formalities of this section may be waived.

Here To There Adventures shall at all times maintain an office or business location in the City of Asheville, and shall pay all City taxes and fees associated with operation. **Here To There Adventures** shall designate an individual to be its agent for service of process in accordance with North Carolina law, and shall keep the City advised of any changes in said agent or its address.

12. Franchise Fee: The fee for the operation of this Franchise shall be $1.00 per day for each day of the term of the Franchise, or $365 annually; payable in a lump sum on or before the effective date of this Franchise and thereafter, due and payable annually on or before July 1 for the term of the Franchise. The city reserves the right to adjust this fee upon sixty (60) days' notice to **Here To There Adventures**.

13. Fares: The fees charged by **Here To There Adventures** for pedicab service shall be prominently displayed on the outside of the pedicab vehicle.

14. Temporary Suspension/Modification: This Franchise and any of the terms and conditions thereof, including those relating to route, stops, and scheduling are subject to temporary suspension or modification by the City as necessary for the City to exercise and maintain control over its streets and public ways. The reasons for such action may include (by way of example and not limitation), the following: (a) closing of streets for repairs; (b) closing of streets for parades and festivals; (c) change in direction of one way streets; (d) changes in parking configuration. Any such action shall be within the City's sole discretion without recourse by **Here To There Adventures**. The City will endeavor to provide advance notice of such action, but shall not be bound to do so. Suspension or modification expected to be of more than 30 days duration will require amendment to this Ordinance.

15. Compliance with Laws: **Here To There Adventures** shall comply with all applicable federal, state, and local laws in the operation of its business. Pursuant to City Code, no third-party advertising is allowed on the outside of the vehicles.

Section 2. All ordinances and clauses of ordinances in conflict herewith be and the same are hereby repealed to the extent of such conflict.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the

fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted on this 19th day of June, 2018.

Magdalen Bruleson
City Clerk

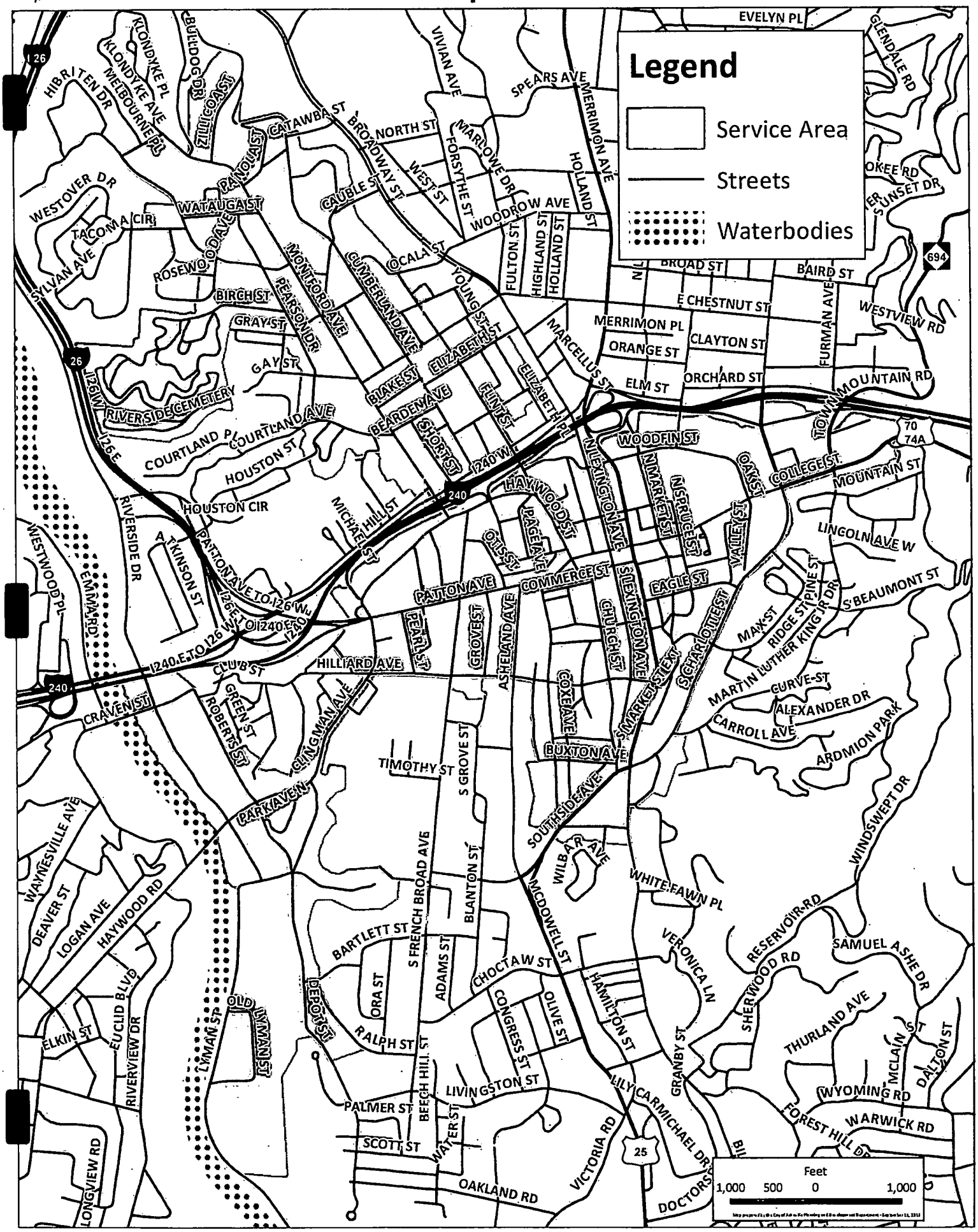
Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bruleson
City Clerk

Pedicab Service - Exhibit A Map



90

ORDINANCE NO. 4674

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 19th day of June, 2018.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: Technical budget amendment for the improvements to the trolley houses and rock wall at E.W. Grove Park in the amount of $81,700.

Magdalen Burleson
City Clerk

CITY OF ASHEVILLE

PROJECT STATUS UPDATE

2017/18	6/19/2018
FISCAL YEAR	EFFECTIVE DATE

Project: Grove Park Trolley House (R1804)
Managing Department: Parks and Recreation
Approval Request: Technical Budget Amendment/Project Establishment
Vendor: N/A
Current Funding:

Operating Transfers	$	81,700
TOTAL	**$**	**81,700**

Original Contract Award:	$	-
Previous Contract Changes:	$	-
Current Contract Amount:	$	-
Requested Contract Changes:	$	-
Total Contract Amount:	$	-
Budget Amendment:	$	81,700

Current Project Status	Original Budget	Transfers In/(Out)*	Revised Budget	Available Budget
Professional Services	$ -	$ -	$ 25,200	$ 25,200
Contracted Services		$ -	$ 56,500	$ 56,500
TOTAL	**$ -**	**$ -**	**$ 81,700**	**$ 81,700**

** Budget adjustments (transfers or amendments) that have already been completed*

Comments:
No contingency is authorized beyond the project budget of $81,700.

92

ORDINANCE NO. 4675

ORDINANCE AMENDING ZONING FOR PROPERTY LOCATED AT
339 WEST HAYWOOD STREET

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this proposed amendment is consistent with the City's 2025 Comprehensive Plan, Smart Growth policies, and other official plans of the City, and is determined to be reasonable and in the public interest for the following reason:

a. The rezoning would allow for a greater variety of housing options;
b. Development on the site could potentially help buffer the neighborhood further from I-240 and the noise of the highway; and
c. Additional housing or commercial activity in this location, near downtown, is an appropriate use.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

The zoning classification of that certain real properties described in Exhibit A and identified on Buncombe County tax maps as PIN 9648-09-1093 , 9648-09-2131 and 9648-09-4109 recorded in Deed Book 5640, Page 0293; and currently owned by Downtown Boulevard LLC, from Neighborhood Business (NB) to Community Business I (CBI). A copy of the official zoning map showing said lot is attached hereto as Exhibit "A" and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed, to the extent of such conflict.

Section 5. The ordinances shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 6. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 19th June, 2018.

Magdalen Burleson
City Clerk

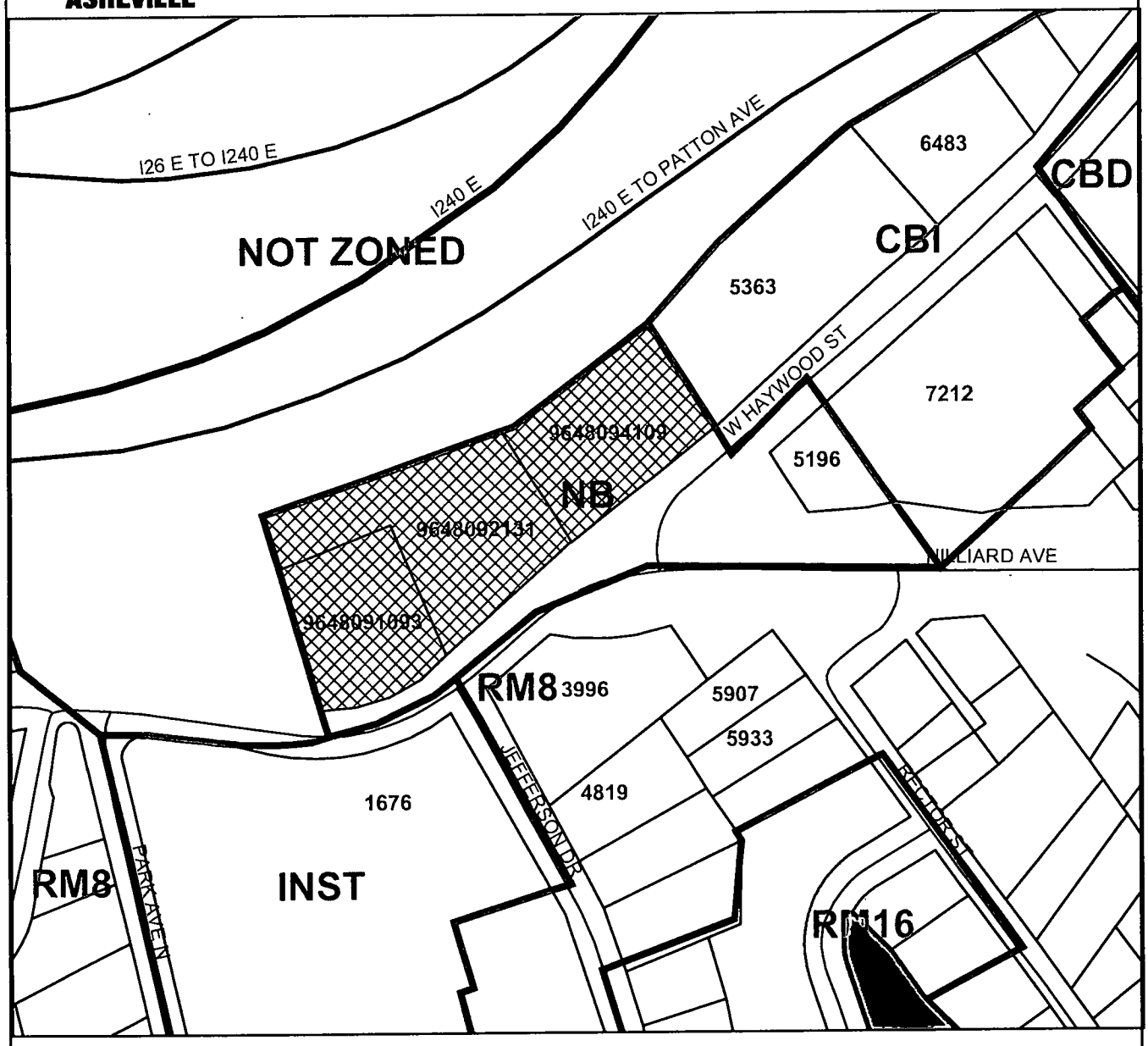
Mayor

Approved as to form:

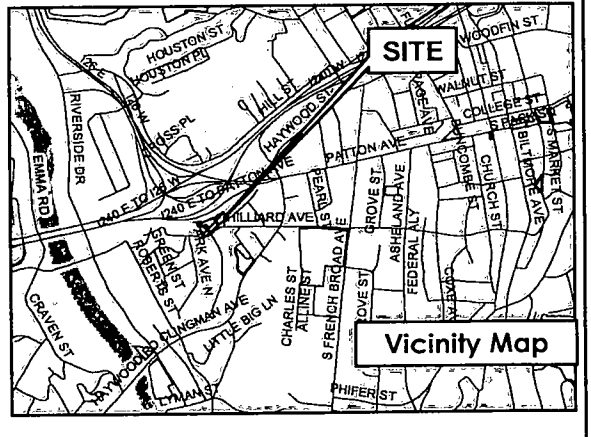
City Attorney

Magdalen Burleson

City of Asheville - Exhibit A Map
Rezoning Review
339 W. Haywood Street



Project Name: W. Haywood Street Rezoning
Project Number: 18-02342 PZ
Project Description: Rezoning from Neighborhood Business to Community Business I
Petitioner(s): Scott Carter
Parcel ID Number(s): 9648-09-1093, -2131; -4109
Location/Address: 339 W. Haywood Street; 99999 W. Haywood Street 99999.W. Haywood Street



Project Site
Parcels
Zoning Districts
Asheville City Limits
Streets
Streams

City of Asheville Planning and Urban Design Department - April 2018

ORDINANCE NO. 4676

ORDINANCE AMENDING ZONING FOR PROPERTY LOCATED AT 99999 KENT STREET

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this proposed amendment is consistent with the City's 2025 Comprehensive Plan, Smart Growth policies, and other official plans of the City, and is determined to be reasonable and in the public interest for the following reason:

a. It assigns compatible zoning designations consistent with the surrounding neighborhood;
b. The site is a suitable location for housing development which is needed in the community; and
c. The site is on a transit route and close to community amenities.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

The zoning classification of that certain real properties described in Exhibit A and identified on Buncombe County tax maps as PIN 9657-13-0262, recorded in Deed Book 5569, Page 1017; and currently owned by CYF Construction and Design, LLC from Neighborhood Business (NB) to Residential Single Family High Density (RS8). A copy of the official zoning map showing said lot is attached hereto as Exhibit "A" and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

96.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed, to the extent of such conflict.

Section 5. The ordinances shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 6. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 19th day of June, 2018.

Magdalen Boulison
City Clerk

Mayor

Approved as to form:

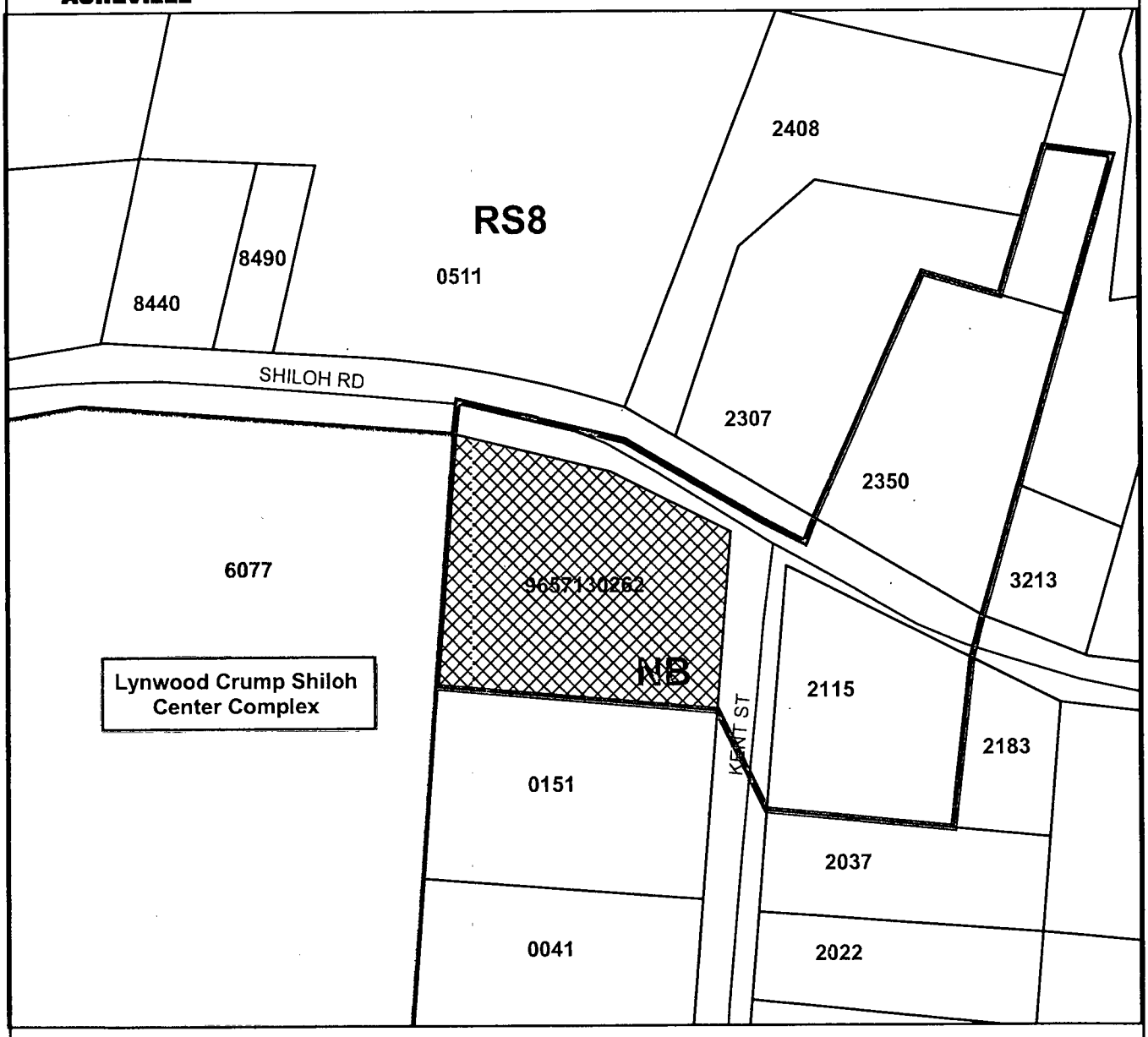
City Attorney

Magdalen Boulison
City Clerk

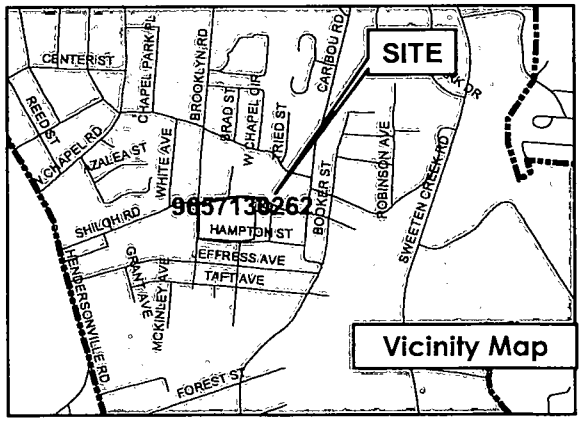
THE CITY OF ASHEVILLE

City of Asheville - Exhibit A Map
Rezoning Review
99999 Kent Street

N W E S



Project Name: Kent Street Street Rezoning
Project Number: 18-02786 PZ
Project Description: Rezoning from Neighborhood Business to RS-8
Petitioner(s): Harry Coleman
Parcel ID Number(s): 9657-13-0262
Location/Address: 99999 Kent Street



Project Site
Parcels
Zoning Districts
Asheville City Limits
Streets
Streams

City of Asheville Planning and Urban Design Department - April 2018

98

ORDINANCE NO. 4677

AN ORDINANCE ADOPTING THE ANNUAL BUDGET AND FIXING THE TAX RATE FOR THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 2018 - 19

WHEREAS, Article 3 of Chapter 159 of the N. C. General Statutes requires local governments in North Carolina to adopt ordinances establishing an annual budget, in accordance with procedures specified in said Article 3; and

WHEREAS, the Asheville City Council, following a public hearing as required by law has considered the proposed annual budget for the City of Asheville for the 2018 - 19 fiscal year;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The following anticipated revenues and authorized expenditures by fund, together with a financial plan for internal service funds, are hereby appropriated for operating City government for the fiscal year beginning July 1, 2018 and ending June 30, 2019.

GENERAL FUND

Revenues:		
Taxes – Ad Valorem	$ 64,255,289	
Other Taxes	25,677,659	
Intergov Revenue	13,000,718	
Licenses and Permits	5,321,377	
Sales and Services	12,164,633	
Investment Earnings	250,000	
Miscellaneous Revenue	2,992,050	
Other Financing Sources	732,585	
Total Revenues		$ 124,394,311
Appropriations:		
Departmental Operations		$ 124,394,311

WATER RESOURCES FUND

Revenues:		
Sales and Services	$ 39,194,885	
Investment Earnings	400,000	
Miscellaneous Revenue	35,000	
Total Revenues		$ 39,629,885
Appropriations:		
Water Resources Operations		$ 39,629,885

PARKING SERVICES FUND

Revenues:		
Sales and Services	$300	
Investment Earnings	20,000	
Miscellaneous Revenue	6,530,838	
Other Financing Sources	400,000	
Total Revenues		$ 6,951,138
Appropriations:		
Parking Services Operations		$ 6,951,138

STORMWATER FUND

Revenues:		
Licenses and Permits	$ 375,000	
Sales and Services	5,889,113	
Investment Earnings	12,000	
Miscellaneous Revenue	10,000	
Total Revenues		$ 6,286,113
Appropriations:		
Stormwater Operations		$ 6,286,113

TRANSIT SERVICES FUND

Revenues:		
Intergov Revenue	$ 2,353,500	
Licenses and Permits	350,000	
Sales and Services	720,000	
Other Financing Sources	5,101,892	
Total Revenues		$ 8,525,392
Appropriations:		
Transit Services Operations		$ 8,525,392

US CELLULAR CENTER FUND

Revenues:		
Sales and Services	$ 3,105,600	
Investment Earnings	15,000	
Miscellaneous Revenue	140,000	
Other Financing Sources	1,066,834	
Total Revenues		$ 4,327,434
Appropriations:		
US Cellular Center Operations		$ 4,327,434

STREET CUT UTILITY FUND

Revenues:		
Sales and Services	$ 1,741,728	
Miscellaneous Revenue	60	
Other Financing Sources	190,000	
Total Revenues		$ 1,931,788
Appropriations:		
Street Cut Operations		$ 1,931,788

HOUSING PARTNERSHIP FUND (GENERAL FUND)

Revenues:		
Miscellaneous Revenue	$ 150,000	
Other Financing Sources	2,500,000	
Total Revenues		$2,650,000
Appropriations:		
Housing Partnership Fund Operations		$2,650,000

SUSTAINABILITY FUND (GENERAL FUND)

Revenues:		
Other Financing Sources	$ 650,865	
Total Revenues		$ 650,865
Appropriations:		
Sustainability Fund Operations		$ 650,865

INTERNAL SERVICES FUNDS

Revenues:		
Sales and Services	$ 18,844,267	
Investment Earnings	19,000	
Miscellaneous Revenue	1,040,000	
Total Revenues		$ 19,903,267
Appropriations:		
Health Insurance	$ 16,139,367	
Workers Compensation	1,563,783	
Property and Liability	2,200,117	
Total Expenditures		$ 19,903,267

CAPITAL 2100 FUND (GENERAL FUND)

Revenues:		
Other Financing Sources	$ 14,681,731	
Total Revenues		$ 14,681,731
Appropriations:		
Capital 2100 Fund Operations		$ 14,681,731

Section 2. All appropriations included in the following Capital Project and other multi-year project funds are approved for the financing life of each project, which may extend beyond one fiscal year.

GENERAL CAPITAL PROJECTS FUND

Revenues:		
Intergov Revenue	$ 12,112,000	
Licenses and Permits	100,000	
Miscellaneous Revenue	15,000	
Other Financing Sources	21,490,050	
Total Revenues		$ 33,717,050
Appropriations:		
General Capital Fund Expenditures		$ 33,717,050

WATER CAPITAL PROJECTS FUND

Revenues:		
Transfer from Water Resources Fund	$ 11,379,481	
Total Revenues		$ 11,379,481
Appropriations:		
Water Capital Fund Expenditures		$ 11,379,481

WATER CAPITAL RESERVE FUND

Revenues:		
Development Fees	$ 100,000	
Total Revenues		$ 100,000
Appropriations:		
Transfer to Water Capital Fund		$ 100,000

STORMWATER CAPITAL PROJECTS FUND

Revenues:		
Transfer from Stormwater Fund	$ 743,098	
Other Financing Sources	2,293,064	
Total Revenues		$3,036,162
Appropriations:		
Stormwater Capital Fund Expenditures		$3,036,162

PARKING CAPITAL PROJECTS FUND

Revenues:		
Transfer from Parking Operating Fund	$ 400,000	
Other Financing Sources	750,000	
Total Revenues		$ 1.150,000
Appropriations:		
Parking Capital Fund Expenditures		$1,150,000

TRANSIT CAPITAL PROJECTS & MULTI-YEAR FUND

Revenues:		
Other Financing Sources	$ 1,426,260	
Intergov Revenue	7,048,681	
Total Revenues		$ 8,474,941
Appropriations:		
Transit Pass Through Expenditures	1,343,641	
Transit Capital Expenditures	7,131,300	
Total Expenditures		$ 8,474,941

US CELLULAR CENTER CAPITAL PROJECTS FUND

Revenues:		
Miscellaneous Revenue	$ 230,000	
Other Financing Sources	136,650	
Total Revenues		$ 366,650
Appropriations:		
US Cellular Center Capital Fund Expenditures		$ 366,650

COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUND

Revenues:		
Federal Grant FY 2018-19	$ 1,037,798	
Program Income FY 2017-18	70,000	
Program Income FY 2016-17	50,000	
Total Revenues		$ 1,157,798
Appropriations:		
Fiscal 2018-19 CDBG Program	$1,107,798	
Fiscal 2017-18 CDBG Program	50,000	
Total Appropriations		$ 1,157,798

SECTION 108 REHAB GRANT FUND

Revenues:	
Program Income	$ 28,814
Appropriations:	
Section 108 Expenditures	$ 28,814

HOME OWNERSHIP GRANT (HOME) FUND

Revenues:		
Federal Grant FY 2018-19	$ 1,383,695	
Program Income FY 2017-18	19,526	
Program Income FY 2016-17	36,740	
Total Revenues		$ 1,439,961
Appropriations:		
Fiscal 2018-19 HOME Program	$ 1,403,221	
Fiscal 2017-18 HOME Program	36,740	
Total Appropriations		$ 1,439,961

SPECIAL REVENUE FUND

Revenues:		
Other Financing Sources	$ 100,000	
Intergov Revenue	676,175	
Total Revenues		$ 776,175
Appropriations:		
Greenway Study	$ 100,000	
Police Forfeiture Funds	346,175	
Continuum of Care Grant (HMIS)	120,000	
Emergency Solution Grant (ESG)	180,000	
PEG Funding	30,000	
Total Appropriations		$ 776,175

Section 3. It is estimated that revenues in the amounts indicated in the foregoing schedule will be available to support the foregoing appropriations. The fees & charges, as readopted and changed on April 10, 2018 in ordinance number 4664, amended by City Council on May 15, 2018 in ordinance number 4668, and amended again on June 19, 2018 shall be set forth in a Fees and Charges Manual to be kept on file in the Office of the City Clerk.

Section 4. There is hereby levied for the fiscal year ending June 30, 2019, an Ad Valorem tax rate of $0.4289 per $100 assessed valuation of taxable property as listed on January 1, 2018 for purposes of raising the revenues from current year's property tax as set forth in the foregoing estimates of revenues and in order to finance the foregoing appropriations.

Section 5. The City Manager is authorized to amend the budget by transfer of appropriations within each fund. All amendments affecting revenues or total fund appropriations shall be approved by ordinance by the City Council, to be acted on at any regular or special meeting and approved by a simple majority of those present and voting, a quorum being present. Only one reading will be required and a public hearing or publication of notice is not necessary unless requested by Council.

Section 6. The reserve for encumbrances at June 30, 2018 and carry-over appropriations, representing prior commitments as of that date shall be re-appropriated pursuant to North Carolina General Statute 159-13, to the departments within various funds, under which expenditures may be made during fiscal year 2018-19 as the previous commitments are satisfied.

Section 7. Copies of this ordinance shall be furnished to the City Manager and Director of Finance, to be kept on file by them for their direction in the collection of revenues and expenditures of amounts appropriated.

Section 8. The Pay & Classification Plan is amended to incorporate all personnel actions such as reclassifications and pay modifications recommended by the Human Resources department and approved by the City Manager. Funding for the Plan and compensation items is included in the various departments. The amended plan will become effective with the pay cycle that ends on July 13, 2018.

Section 9. Base pay for the Mayor, Vice-Mayor and Councilmembers will range between $21,795 - $22,340, $18,088 - $18,540, and $16,012 - $16,413, respectively. Travel for official activities will be reimbursed under the same plan used for City employees.

Section 10. Should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of said ordinance shall not be affected thereby.

Section 11. That this ordinance shall be in full force and effect upon date of final passage.

Read, approved and adopted this 19th day of June, 2018.

Magdalen Bourleson
City Clerk

Esther E. Marks
Mayor

Approved as to form:

City Attorney

Magdalen Bourleson
City Clerk

.106

ORDINANCE NO. 4678

ORDINANCE ADOPTING THE WATER RESOURCES DEPARTMENT SYSTEM MAINTENANCE AND CAPITAL FEES ANALYSIS AND AMENDING THE WATER RESOURCES SYSTEM MAINTENANCE AND CAPITAL FEE FOR 2018-19 FISCAL YEAR

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The Water Resources Department System Maintenance and Capital Fees analysis be adopted.

The Water Resources System Maintenance and Capital Fee Analysis, attached to and made part of this ordinance, as Attachment A, be adopted.

That this ordinance shall be in full force and effective upon adoption.

Read, approved and adopted this 2nd day of July, 2018.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

Attachment A

	Current Fee	Proposed New Fee	Additional Revenue
WATER RESOURCES FUND			
System Maintenance and Capital Fee:			
Meter Size:			
5/8	$1,125.00	$1,249.00	
3/4	$1,675.00	$1,874.00	
1	$2,775.00	$3,123.00	
1.5	$5,575.00	$6,245.00	
2	$8,925.00	$9,992.00	
3	$17,850.00	$19,984.00	
4	$27,900.00	$31,225.00	
6	$55,800.00	$62,450.00	
8	$89,300.00	$99,920.00	
10	$128,350.00	$262,290.00	$100,000

In addition, the "System Maintenance and Capital Fee" shall be renamed to "Development Fee".

108

ORDINANCE NO. 4679

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 24th day of July, 2018.

Magdalen Burleson
City Clerk

Esther Manheimer
Mayor

Approved as to form:

City Attorney

PURPOSE: Technical Budget Amendment for 2017 Limited Obligation Bond and Special Obligation Bond Financing

Magdalen Burleson
City Clerk

CITY OF ASHEVILLE

BUDGET AMENDMENT

2018/19	7/24/2018
FISCAL YEAR	EFFECTIVE DATE

Purpose: Technical Budget Amendment associated with the refunding and defeasement components of the 2017 Limited Obligation and Special Obligation Bond Financings

Requesting Department: Finance

Amendment to: General Fund; Parking Fund; Stormwater Fund; US Cellular Center Fund

Account		Current Budget	Amended Budget	Increase (Decrease)
Revenues				
21000060-492002	Proceeds of Debt - Refunding	$ -	$ 34,744,169.75	$ 34,744,169.75
21000060-492003	Proceeds of Debt - Refund Prem	$ -	$ 3,399,967.25	$ 3,399,967.25
62000220-492002	Proceeds of Debt - Refunding	$ -	$ 4,320,342.25	$ 4,320,342.25
62000220-492003	Proceeds of Debt - Refund Prem	$ -	$ 618,944.80	$ 618,944.80
62400320-492002	Proceeds of Debt - Refunding	$ -	$ 1,808,270.00	$ 1,808,270.00
62400320-492003	Proceeds of Debt - Refund Prem	$ -	$ 139,550.85	$ 139,550.85
62600900-492002	Proceeds of Debt - Refunding	$ -	$ 1,267,218.00	$ 1,267,218.00
62600900-492003	Proceeds of Debt - Refund Prem	$ -	$ 192,646.10	$ 192,646.10
Expenditures				
21000060-711150	Payment to Defease Debt	$ -	$ 37,667,559.45	$ 37,667,559.45
21000060-712201	Debt Issuance Cost	$ -	$ 476,577.55	$ 476,577.55
62000220-711150	Payment to Defease Debt	$ -	$ 4,878,620.28	$ 4,878,620.28
62000220-712201	Debt Issuance Cost	$ -	$ 60,666.77	$ 60,666.77
62400320-711150	Payment to Defease Debt	$ -	$ 1,922,636.64	$ 1,922,636.64
62400320-712201	Debt Issuance Cost	$ -	$ 25,184.21	$ 25,184.21
62600900-711150	Payment to Defease Debt	$ -	$ 1,442,360.71	$ 1,442,360.71
62600900-712201	Debt Issuance Cost	$ -	$ 17,503.39	$ 17,503.39
BALANCE				$ -

110

ORDINANCE NO. 4680

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 24th day of July, 2018.

Magdalen Bouleson
City Clerk

Esther Manheimer
Mayor

Approved as to form:

City Attorney

PURPOSE: 2017 Edward Byrne Justice Assistance Grant

Magdalen Bouleson

CITY OF ASHEVILLE

BUDGET AMENDMENT

2017/18	7/24/2018
FISCAL YEAR	EFFECTIVE DATE

Purpose: JAG 2017 Local Solicitation

Requesting Department: Police

Amendment to: Grant Fund

	Account	Current Budget	Amended Budget	Increase (Decrease)
Revenues				
22000122-435000-P19xx	Restricted Intergov Federal Grants	$ -	$ 54,574	$ 54,574
Expenditures				
22000122-524003-P19xx	Supplies - Safety Equipment	$ -	$ 43,975	$ 43,975
22000122-527101-P19xx	Awarded Grants	$ -	$ 10,599	$ 10,599
BALANCE				**$ -**

112

ORDINANCE NO. 4681

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment forms attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 24th day of July 2018.

Magdalen Burleson
City Clerk

Esther Manheimer
Mayor

Approved as to form:

City Attorney

PURPOSE: To accept a $5,000 donation from Connect Buncombe to finalize interpretive signage of the Town Branch Greenway.

Magdalen Burleson
City Clerk

CITY OF ASHEVILLE

PROJECT STATUS UPDATE

2018/19	7/24/2018
FISCAL YEAR	EFFECTIVE DATE

Project:	Town Branch Greenway, T1906		
Managing Department:	Transportation		
Approval Request:	Budget Amendment, Private Donation Received for Project		
Vendor:	Connect Buncombe		
Current Funding:	Federal Grants	$	3,420,000
	Debt	$	855,000
	Private Donations	$	5,000
	TOTAL	**$**	**4,280,000**
Original Contract Award:	$	4,275,000	
Previous Contract Changes:	$	-	
Current Contract Amount:	$	4,275,000	
Requested Contract Changes:	$	-	
Total Contract Amount:	$	4,275,000	
Budget Amendment:	$	5,000	

Current Project Status	Original Budget	Transfers In/ (Out)*	Revised Budget	Available Budget
Professional Services	$ 282,150	$ -	$ 282,150	$ 282,150
In-House Labor	$ 213,750	$ -	$ 213,750	$ 213,750
Supplies	$ 125,000	$ -	$ 125,000	$ 125,000
Materials & Testing	$ 36,350	$ -	$ 36,350	$ 36,350
Construction	$ 3,575,000	$ 5,000	$ 3,580,000	$ 3,580,000
Project Contingency	$ 42,750	$ -	$ 42,750	$ 42,750
TOTAL	**$ 4,275,000**	**$ 5,000**	**$ 4,280,000**	**$ 4,280,000**

** Budget adjustments (transfers or amendments) that have already been completed*

Comments:

A private donation of $5,000 from Connect Buncombe was received to assist in implementation of greenway construction.

114

ORDINANCE NO. 4682

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 24th day of July, 2018.

Magdalen Burleson
City Clerk

Esther Manheimer
Mayor

Approved as to form:

City Attorney

PURPOSE: Stormwater Resurfacing/
Pipe Replacement

Magdalen Burleson
City Clerk

CITY OF ASHEVILLE

BUDGET AMENDMENT

2018/19	7/24/2018
FISCAL YEAR	EFFECTIVE DATE

Purpose: To fully fund the Stormwater FY18 Resurfacing and Pipe Replacement

Requesting Department: Stormwater

Amendment to: Stormwater Capital Projects Fund

	Account	Current Budget	Amended Budget	Increase (Decrease)
Revenues				
62400320-498624-S1803	Operating Transfers from Stormwater	$ 925,500	$ 1,288,423	$ 362,923
Expenditures				
62400320-615101-S1803	Infrastructure	$ 925,500	$ 1,288,423	$ 362,923
BALANCE				$ -

Revision to: Stormwater Operating Fund

	Account	Current Budget	Amended Budget	Increase (Decrease)
Revenues				
62400320-499100	Appropriated Fund Balance	$ - .00	$ 218,540.00	$ 218,540.00
Expenses				
62490320-800625	Transfer to Stormwater Capital	$ 743,098.00	$ 961,638.00	$ 218,540.00
BALANCE				**$ - .00**

116

ORDINANCE NO. 4683

ORDINANCE RE-ADOPTING THE CITY OF ASHEVILLE WATER RESOURCES DEPARTMENT'S POLICY MANUAL

WHEREAS, pursuant to N.C.G.S. § 160A-312, the City of Asheville has authority to operate a public enterprise; and

WHEREAS, pursuant to N.C.G.S. § 160A-312(b), the City of Asheville may adopt rules to protect and regulate any public enterprise system belonging to or operated by it both within and outside the corporate limits of the City; and

WHEREAS, by Ordinance dated July 1, 2016, City Council re-adopted the Water Resources Department's Policy Manual; and

WHEREAS, from time to time, the Water Resources Department's Policy Manual must be amended to remain compliant with applicable federal and state laws as well as the policies and procedures of the City of Asheville Water Resources Department;

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The revised Water Resources Department's Policy Manual attached hereto as "Exhibit A" shall be re-adopted and take effect immediately.

Read, approved and adopted this the 24th day of July, 2018.

Magdalen Burleson
City Clerk

Esther Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

WATER RESOURCES DEPARTMENT POLICY MANUAL

JULY 24, 2018 RE-ADOPTION

CITY OF ASHEVILLE

DEPARTMENT OF WATER RESOURCES

WATER POLICIES

Revised January 26, 2010
Revised December 14, 2010
Revised April 11, 2016
Revised December 13,2018
Revised June 29, 2018

118

WATER POLICIES

Table of Contents

I General

II Water Availability

III Connection Policy

IV Extension Policy

V Meters

VI Cross-Connection Control Policy

VII Fire Protection Service

VIII Connection and Service Fees

IX Customer Services

X Water Shortage Response Plan

XI Hearing and Appeal Procedures

XII Interruption of Service

XII ISO 14001:2015 / SAFETY POLICIES AND PROCEDURES

XIV Water Engineering Standard Specifications and Details

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I. GENERAL

A. General Provisions

1. Power: These Policies are adopted by the City of Asheville.

2. Effectiveness: These Policies were revised and restated effective the 11th day of April, 2016 and supersede all rules, regulations, and policies adopted by the Water Department, the City, Buncombe County or Henderson County which are or may be in conflict with these Policies.

3. Amendments: These Policies, including the Schedules attached hereto, may be amended, supplemented or deleted from time to time by a majority vote of the City Council acting in formal session. Such alterations, amendments or additions when effective, shall have the same force and effect as these Policies.

4. Scope: These Policies are a part of any and all contracts for receiving water service from the City and apply to any and all services received from the City, in as full and ample manner as if the same were expressly set forth in each contract, agreement, application, understanding or otherwise, whether oral or written.

5. Precedence: These Policies shall apply to all water services provided by the City of Asheville, except as they may apply to the Cane Creek District and then only to the extent that they are expressly contradicted by the Henderson County Policies.

6. Variance: Under special circumstances on a case by case basis, the City Council may deviate from the terms of the Policies for good cause shown by motion duly passed by the City of Asheville acting in formal session.

7. Severability: If any provision of these Policies or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect any other provision or application, and to this end, the various provisions of these Policies are declared to be severable.

8. Titles: Titles used in the Policies are for convenience only and shall not be considered in interpreting their meaning or scope.

B. Definitions

As used in these Policies, unless the context shall otherwise require, the words defined in this paragraph shall have the meanings herein ascribed:

1. Applicant: A Person applying for water from the Water System by a Letter of Commitment, Extension or Connection, or applying for a meter, meter modification or relocation who will be the Customer or who is the duly authorized agent of the person who will be the Customer.

2. AWWA: The American Water Works Association, a national association of water suppliers and related professionals with headquarters in Denver, Colorado.

3. Cane Creek District: The Cane Creek Water and Sewer District which is located in Henderson County, North Carolina, and is a municipal body created pursuant to North Carolina General Statute 162A-86, *et. seq.*

4. Capacity Charge: A wholesale customer charge that is negotiated by The Director of Water Resources as in inter-municipal agreement based on bulk water supplied.

5. City: The City of Asheville in the State of North Carolina.

6. City Council: The City of Asheville governing board.

7. Commercial Customer: Customer who uses water for commercial and business for service-providing facilities and equipment of businesses; federal, state, and local governments; and other private and public organizations. Commercial Sector is defined as small scale manufacturing business establishments, including hotels, restaurants, wholesale businesses, retail stores, warehouses, storage facilities, and health, social and educational institutions

8. Connection: A physical tap onto the Water System to allow a Customer to receive or use the Water Supply.

9. Consumer: The actual user of water service, whether or not the Customer.

10. County: The County of Buncombe or Henderson in the State of North Carolina.

11. Customer: Any and all Persons who contract for water services from the City of Asheville; an owner of the Premises or any portion thereof when the Premises is leased or rented to more than one tenant and water services are provided to more than one tenant and are measured by the same meter; and any and all other persons legally responsible to the City of Asheville for payment for water services.

12. Customer's Water System: The water supply lines, pumps, fixtures and other plumbing appurtenances not part of the Water System located after the Connection and used by the Customer to receive or use the Water Supply

13. Developer: The owner of a Development or his duly authorized agent.

14. Development: A parcel of land, including any single-family subdivision that is being developed to the extent that water service is desirable to realize its full potential.

15. Director: The Director of Water Resources Department of the City or his duly authorized agent or representative.

16. Extension: A construction, alteration or expansion of water lines and other appurtenances, which become or may become a part of the Water System.

17. GPD: Gallons per day.

18. GPM: Gallons per minute.

19. Henderson County Policies: Rules and regulations applicable only to the Cane Creek Water and Sewer District

20. ISO: International Organization for Standardization.

21. Letter of Commitment: A letter from the Director authorizing the reservation of some quantity of the Water Supply at a designated location as set forth in Section II.B.1. of the Policies.

22. Manufacturer Customer: A Manufacturer customer typically contains food processing, manufacturing, high tech, metal processing, and pulp and paper firms. In particular, it includes fixed pieces of equipment, buildings or complexes used to produce goods in connection with, or as part of, any process or system to manufacture goods in large quantity.

23. Main: A two (2) inch or larger water supply line used to transport the Water Supply through which the City intends to serve multiple Customers.

24. Mobile Home: A manufactured housing unit designed for transportation on its own

chassis which may be placed on a temporary or semi-permanent foundation.

25. Mobile Home Park: Any Premises where more than one Mobile Home or motorhome is used as a dwelling.

26. Multi-Family Residential Customer: A customer connection that includes two or more single family residences feeding from the same meter. RE: master metered apartments and condominiums, metered developments, etc...

27. North Carolina Department of Environmental Quality; Division of Water Resources; Public Water Supply Section: The regulatory agency overseeing the operation of public water supplies in the State of North Carolina.

28. Person: Shall mean any person, partnership, corporation, association or other legal entity.

29. PIN Number: Property Identification Number used to identify a parcel of land.

30. Policies: These Policies of the City of Asheville and all duly adopted amendments and additions thereto.

31. Premises: The real property and any improvements as described in the most recent application for water service approved by the City of Asheville. If there exists no application for water service approved by the City for real property receiving water service, then the Premises shall be as described in the deed for the real property recorded in the Office of the Register of Deeds in the county where the real property has its own separate Property Identification Number (PIN) and is located immediately prior to the date when water service from the Water System is first provided to the real property by the City, and any improvements thereon at the time the City first provided water service.

32. Private Fireline: A water line that is part of a Customer's Water System used exclusively for the purpose of furnishing fire protection to a premises.

33. Public Water System: A public water system (PWS) is a system for the provision to the public of water for human consumption through pipes or other constructed conveyances, if such system has at least fifteen service connections or regularly serves at least twenty-five individuals.

34. Service Line: A pipeline transporting the Water Supply from any Main to a water meter and/or meter box by which the City of Asheville measures or intends to measure water consumption at a Premises.

35. Service Area: The water service area shall consist of those areas where the Water System is located within the City, Buncombe County, Henderson County, the Cane Creek District, and where the Water System is proposed as shown on the most recent Master Plan approved by the City of Asheville.

36. Schedule I: Schedule of fees, rates or payment locations attached hereto and all duly adopted amendments and additions thereto.

37. Single Family Residential Customer: A metered customer connection that feeds one single family home, dwelling, or unit.

38. Sullivan Acts: Accepted North Carolina State Laws that directly affect the operations and financial management of the City of Asheville Water Resources Department. Laws require that the City not charge differential rates to water customers based on political jurisdiction; that if water is available, connection and extension of the water system cannot be denied; and that all funds earned by the water fund must be spent on encumbrances related to the operation, maintenance, and improvement of the water system and water fund.

39. Utility Billing Statement: A statement from the City which includes a charge for water service and which may also include charges for one or more of the following: (i) services from the Metropolitan Sewer District and (ii) recycling, sanitation, or any other services provided by or collected by the City.

40. Water Resources Department: The Department of Water Resources of the City of Asheville.

41. Water Supply: The potable water furnished by the City through the Water System to Customers and/or Consumers.

42. Water System: The Water Supply and all property constituting water sources, facilities, equipment and appurtenances between and including the water source and a connection for each premises including, without limitation, valves, pumps, pipes, mains, service lines, meters, conduits, tanks, receptacles, fixtures to produce, treat, transport, store or account for water intended for public consumption by the City of Asheville. The Water System is owned by the City and maintained and operated by the City of Asheville.

43. Wholesale Customer: A customer that has a bulk water agreement in the form of an agreed upon capacity charge and distributes City water for resale to its own customers. Wholesale customers are municipality or government owned and operated.

Cross-Connection Control Definitions

44. Language: Whenever the context shall admit or require, the singular shall include the plural, words used in the plural shall include the singular, words used in the masculine shall include the feminine and neuter, words used in the feminine shall include the masculine and neuter, and words in the neuter shall include the masculine and feminine.

45 Air Gap Separation An unobstructed vertical distance through the atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture, or other assembly and the flood level rim of the receptacle. An approved vertical air gap separation shall be at least double the diameter of the supply pipe. In no case shall the airgap be less than one (I) inch.

46 Approved Devices Certified in writing by the Foundation for Cross Connection Control & Hydraulic Research of the University of Southern California (USC FCCCHR) as an acceptable assembly or methodology for the purpose of backflow prevention and included on the list of approved assemblies maintained by the City of Asheville.

47 Backflow Any flow of water, mixtures of water and other liquids, gases or other substances into the public water supply from any other source due to a cross-connection, auxiliary intake, interconnection, back pressure, backsiphonage, any combination thereof, or other cause.

48 Back pressure Any pressure on any source of water other than the public water supply, which may be greater than the pressure on the public water supply and may result in a reversal of the normal direction of flow.

49 Backflow Prevention Assembly An approved effective in line testable device used to prevent backflow from occurring in the potable water supply. The type of assembly required shall be based on degree of hazard, existing or potential.

50 Backsiphonage Any circumstance in which the pressure on the public water supply may be reduced to the point that the elevation and atmospheric pressure on a source of water other than the public water supply may result in a pressure to be greater than the pressure on the public water supply and may result in a backflow.

51 Certified Tester A person who has proven his/her competency to test, repair, overhaul and make reports on backflow prevention assemblies as evidenced by certification of successful completion of a training program approved by the Director.

52 Customer Any person, firm, or corporation responsible for any property at which water from the City public water supply is received; without regard to whether the City is aware of the existence of such customer. In the absence of other parties or the failure of other parties to accept the responsibilities herein set forth, the owner of record shall be ultimately responsible.

53 Customer's Water System – Any water system commencing at the point of delivery and continuing throughout the customer's plumbing system, located on the customer's premises, whether supplied by public, potable water or an auxiliary water supply. The system or systems may be either a potable water system or an industrial piping system.

54 Customer's Potable Water System – That portion of the privately owned potable water system lying between the point(s) of use and/or isolation protection. This system will include all pipes, conduits, tanks, receptacles, fixtures, equipment and appurtenances used to produce, convey, store, or use potable water.

55 Containment Preventing the impairment of the potable water supply by installing an approved backflow prevention assembly at the service connection.

56 Contamination The presence of any foreign substance (organic, inorganic, radiological or biological) in water that tends to degrade its quality so as to constitute a hazard or impair the usefulness of water.

57 Cross-Connection Any physical connection between a potable water supply system and any other piping system, sewer fixture, container, or assembly, whereby water or other liquids, mixtures, or substances may flow into or enter the potable water supply system.

58 Cross-Connection/Backflow Inspector – An employee of the City of Asheville designated by the Director to administer, implement and enforce the provisions of this policy.

59 Degree of Hazard The evaluation of the potential hazard (see definition of hazard) as defined in NCAC Title 15A.

60 Double Check Valve Assembly (DCVA) – An in-line testable assembly composed of two (2) single, independently acting, approved check valves, including tightly closing shut off valves located at each end of the assembly and suitable connections for testing the water tightness of each check valve. This assembly shall only be used to protect against moderate hazard conditions.

61 Double Check Detector Assembly (DCDA) – A specially designed assembly composed of a line-size approved double check assembly with a specific bypass water meter and a meter sized approved double check valve assembly. The meter shall register in cubic feet accurately for only very low rates of flow and shall show registration for all rates of flow and have a remote reading device installed per City of Asheville specifications. This assembly shall be used to protect against a non-health hazard (i.e., pollutant).

62 Estoppels Certificate – A legal document required to be executed and recorded by the owner/developer of a project in certain rare cases where existing site conditions make it infeasible to comply with the installation requirements of the backflow prevention assembly outlined in this policy.

63 Hazard: Moderate (Non-Health) An actual or potential threat to the physical properties of the public or the consumer's potable water system, or of a contamination which would have a protracted effect on the quality of the potable water system.

64 Hazard: High (Health) An actual or potential threat of contamination or pollution of a physical or toxic nature to the public potable water system or the consumers potable water system to such a degree or intensity that there would be a danger to health.

65 Health agency - The North Carolina Department of Environmental Quality.

66 Irrigation – Any system for the purpose of delivering water to vegetation, water features, fountains, ponds, etc.

67 Isolation The act of confining a localized hazard within a plumbing or distribution system by the use of an approved backflow prevention method or device.

68 Parallel Installation – Two service lines, served by a single meter with two backflow prevention assemblies installed of the same type.

69 Point of Delivery – The point of delivery shall generally be at the property line of the customer, adjacent to the public street where the City's water mains are located; or at a point on or off the customer's property where the meter is located. The point of delivery for all fire line connections shall be considered as the point where the isolation valve is located, generally adjacent to the public water mains. The customer shall be responsible for all water piping, control assemblies and other appurtenances located on the customer's side of the point of delivery.

70 Potable Water Water from any source which has been investigated by the North Carolina Department of Environment and Natural Resources and which has been approved for human consumption.

71 Private Water System – Any pipe, system of pipes and other associated facilities that are not part of the public water and are used in whole or in part to convey, move, or receive water, regardless of the source(s) of water in such system.

72 Protected Cross-Connection – Any physical connection or other condition, which does not permit backflow because containment has been achieved.

73 Public Water System – The potable water system owned, maintained and operated by the City of Asheville. This system includes all transmission and distribution mains, lines, pipes, connections, storage tanks and other facilities used to produce, treat, convey, or store potable water for public consumption or use.

74 Reduced Pressure Principle (RPZ) Assembly An in-line testable assembly containing within its structure a minimum of two (2) independently acting, approved check valves, together with an automatically operating pressure relief valve. The first check valve reduces the supply pressure a predetermined amount so that during normal flow and at cessation of normal flow, the pressure between the checks shall be less than the supply pressure. In case of leakage of either check valve, the differential relief valve, by discharge to atmosphere, shall operate to maintain the pressure between the checks at less than the supply pressure. The unit shall include tightly closing shutoff valves located at each end of the assembly and each assembly shall be fitted with properly located test cocks. This assembly shall be used to protect against high hazard conditions.

75 Reduced Pressure Principle Detector Assembly (RPDA) - A specially designed assembly composed of a line-size approved reduced pressure principle assembly with a specific bypass water meter and a meter sized approved reduced pressure principle assembly. The meter shall register in cubic feet accurately for only very low rates of flow and shall show registration for all rates of flow and have a remote reading device installed per City of Asheville specifications. This assembly shall be used to protect against a health hazard (i.e., contaminant).

76 Service Connections The terminal end of a service connection from the public potable water system, or in the absence of a complete service connection, the point at which water leaves the public water system and enters a private water system.

77 Vacuum Breaker (Atmospheric Type: AVB) An assembly used to prevent backsiphonage subjected to static line pressure.

78 Vacuum Breaker (Pressure Type: PVB) An assembly suitable for continuous pressure, to be used to provide protection against backsiphonage.

79 Water Resources Department (WRD) – Operations department of the City of Asheville which handles all day-to-day operations of the public, potable water supply & system.

80 Water Supply: Approved The term "approved water supply" shall mean any public potable water supply, which has been investigated and approved by the North Carolina Department of Environmental and Natural Resources. The system must be operating under a valid health permit. In determining what constitutes an approved water supply, the North Carolina Department of Environmental and Natural Resources has reserved the final judgment as to its safety and potability.

81 Water Supply: Disapproved The term "disapproved water supply" shall mean a water supply, which has not been approved for human consumption by the North Carolina Department of Environmental and Natural Resources.

C. **City of Asheville's Responsibilities**

1. Powers - General: The City of Asheville is vested with and shall exercise all powers of the City, the Counties and Cane Creek District with respect to the supervision, regulation and control over the Water System, water operations and rates. These powers shall include, without limitation, authority to determine Extension policies; to expand the Water System to enable the City to meet its annexation obligations; fix and revise rents, rates, fees, assessments and other charges for use of the Water System water services and facilities; acquire, lease, construct, improve, maintain and operate the Water System; acquire in the name of the City any real property or in its own name or the name of the City any personal property as the City may deem necessary for the acquisition, improvement, and maintenance of the Water System; make and enter into contracts and leases; receive and accept in the name of the City any grant or contribution; and terminate water service to any Customer or Consumer for non-payment of water charges or other violation of these Policies.

2. Litigation: The City of Asheville shall institute and/or defend all litigation affecting its powers and duties which relate to the Water System and the property and rights connected therewith or incidental thereto. The Water Resources Department shall immediately report to the City's attorney if any legal process is served on the Water Resources Department, and/or the City, in a manner affecting the powers, duties, properties, or trusts of the City.

3. Limited Liability: The City of Asheville shall not be liable for any losses, injuries, incidental or consequential damages related in any way to the maintenance and or operation of the Water System except for its affirmative negligence, and then only to the extent of its insurance coverage.

4. Failure to Provide Service: Notwithstanding the provisions of I.C.3 of these Policies, the City shall not be liable to Consumers, Customers, or any other Person for the failure to furnish water for any purpose or any conditions, or for the quantity, quality, pressure or rate of the water furnished, or for any damage that may result from the shutting off of water, even though no notice of the shutting off of water shall have been given to the Customer, Consumer or any other Person.

5. Insurance Claims: Any and all claims against the City for injuries or damages in any way related to the Water System and/or its operation, which claims are covered by the City's policies of insurance, shall be referred to the City's Risk Management Office.

6. Report of Claims: The Director shall maintain a file containing the name of each claimant, the amount of the claim and a summary of the basis of the claims, for all claims related to the Water System whether or not covered by insurance.

7. Eligibility for Service: Subject to the availability of water, any person residing in or doing business within the City's Area of Service shall be eligible to apply for water service from the Water System. The application shall be considered in accordance with the provisions of these Policies, the Buncombe and Henderson County Policies (if applicable) and in all other respects with all the rules, regulations and procedures prescribed by the City.

8. Annexation Obligations: The Water Resources Department shall meet the need to expand the Water System to enable the City to fulfill its annexation obligations for water services.

9. Out of Service Area: The City of Asheville has no responsibility to provide water service to Premises located outside of the Service Area. However, upon request, the City may extend the Water System to serve Premises outside the Service Area when the City determines that it is in the best interest of the City or Buncombe or Henderson Counties. Due to the passage of Sullivan Acts I, II, & III, and Amendment, the City may not refuse water service to any customer within the service area.

   a. All Persons to whom water services are furnished by the City of Asheville shall be subject to the regulations, Policies and resolutions of the City of Asheville and all such Persons agree, as a condition to such service, to be governed by the provisions of these Policies, the Buncombe and Henderson County Policies (if applicable) and all other regulations made by the City at any time for the maintenance, control and protection of the Water System and Connections therewith.

   b. Any Person outside the Service Area who seeks an Extension or Connection to the Water System must make an application for such Extension or Connection to the Director. The Applicant shall provide all information which the Director deems necessary to determine whether the request for the Extension or Connection is feasible.

   c. The responsibility for and the entire cost of extending the Water System to Premises outside the Service Area shall be borne by the Person requesting the Extension or Connection.

D. **Contracts**

1. Execution: Subject to these Policies and the rules and regulations of the City and State, the Director has the right in the name of the City to acquire, lease as lesser or lessee, construct, reconstruct, improve, extend, enlarge, equip, repair, maintain, and operate the Water System or any part thereof within the City's area of responsibility and make and enter into contracts, leases and agreements necessary or incidental thereto per current City policies.

2. Authorized Capital Projects: If the City of Asheville has previously approved and budgeted a specific capital project relating to the construction, improvement, extension, repair, maintenance or operation of the Water System, the Director, City Manager, or City Council acting in formal session may make and enter into any contracts and/or agreements in the name of the City necessary or incidental thereto per current City of Asheville purchasing and contract rules and regulations.

3. Maintenance Projects: The Director may make and enter into contracts and/or agreements in the name of the City of Asheville necessary for the improvement, repair, maintenance or

operation of the Water System, even though any such improvement project had not been previously approved of and/or budgeted by the City, per current City of Asheville purchasing and contract rules and regulations.

4. Contracts Executed by Director: Any and all contracts executed by the Director in accordance with Paragraphs 2 and 3 hereinabove shall be maintained in the files of the Director to be produced upon the request of the City.

5. City Contracts: Copies of all contracts executed in the name of the City shall be transmitted to the City Clerk for his/her records.

6. Emergency Repairs: The Director is authorized to sign any and all contracts and/or agreements which, in his discretion, are necessary to abate or repair an emergency situation arising out of the use, operation, maintenance, construction or repair of the Water System, if such emergency situation is believed by the Director to adversely affect the health or welfare of the public. The Director shall diligently use every effort to notify the City Manager as soon as possible before or after any such emergency contract is executed. Every effort shall be made to comply with purchasing and contract rules and regulations; however, standard purchasing and contract rules and regulations may be waived in order to ensure public safety and continued operation of the Water System.

II. WATER AVAILABILITY

General: There are (2) distinct processes for the determination of City of Asheville Water Availability for new customers. Commercial and Residential application for water service for individual, or up to (4), taps and meters 1-inch and less shall utilize the "Water Availability Application Small Projects". Projects which require any of the following: extension of the Water System, meters larger than 1-inch, more than (4) meters of any size, or a fire-line connection with any size domestic water service shall follow the "Letter of Commitment Process and Application (Large Projects)".

A. Water Availability Application Small Projects

1. Application: At locations approved by the Director, currently the Development Services Department located at 161 South Charlotte Street, an applicant seeking City of Asheville water service shall complete the "City of Asheville Water Availability and Meter Application.

2. Processing Fee: The applicant shall pay to the Director a non-refundable processing fee in the amount set forth in Schedule I attached to these Policies for processing and investigating the Applicant's request.

3. Duration and Transferability of Approved Application for Water Service through a Permanent Metered Connection (1-inch and less): Sixty (60) Day Duration: If, within sixty (60) days after the date of the approved application for Connection, all applicable fees for application, service and the Connection have not been paid, the approved Connection application shall be null and void.

B. Letter of Commitment Process and Application Large Projects

Commitments of Water Availability (for non-single family and commercial taps Greater than 1 inch taps)

1. Request: An Applicant desiring to reserve a specified amount of water from the Water System at a designated location owned or to be purchased by the Applicant prior to connecting to System at such location may request a Letter of Commitment from the Director as to the availability of water at the designated location.

2. Required Letters: An applicant seeking extension of the Water System, a metered connection larger than 1-inch, more than (4) metered connections of any size, or a metered connection of any size in conjunction with a requested fire-line connection shall

be required to obtain a Letter of Commitment.

3. Application: Any request for a Letter of Commitment shall be in writing, shall identify the Applicant by name and address, and include a detailed location of the Premises or Development to be served, applicable fees, a general site plan or sketch plan of the proposed project, the purpose for which the water is to be used and an estimation of the proposed maximum water consumption by GPM and GPD for a period of at least five years or such other period of time as the Director may reasonably request. Projects shall include a fixture unit analysis of the peak domestic water demand. The sketch plan or application shall indicate whether or not the proposed facility will be sprinkled.

4. Processing Fee: At the time of requesting a Letter of Commitment the Applicant shall pay to the Water Resources Department a non-refundable processing fee in the amount set forth in Schedule I attached to these Policies for processing and investigating the Applicant's request.

5. Approval: If approved and issued by the Director or his/her designee, a Letter of Commitment may be issued if the City's current water supply and existing operating conditions reasonably allow adequate water service to meet the Applicant's proposed consumption. Without limiting the right of the Director to refuse to issue a Letter of Commitment if in his opinion it would adversely affect the Water System and/or Water Supply, the Director shall not issue any Letter of Commitment if, in the judgment of the Director, the projected volume of water requested by the Applicant would thereby adversely affect the supply of water to existing Consumers and Customers or would unduly tax the available raw or finished water supply.

6. Reserved Supply: If a commitment is approved by the Director, the Director shall issue a Letter of Commitment to the Applicant obligating the City to supply a designated amount of the Water Supply, describing the location for which the designated amount of the Water Supply is committed, limiting the purpose for which the Water Supply may be used, and specifying the rate of delivery of the designated Water Supply by GPM and GPD. If the applicant of a Letter of Commitment has not applied in writing for an Extension or Connection within one (1) year from the date of the Letter of Commitment, the Letter of Commitment shall be null and void, of no further notice and effect. The Applicant may request a new Letter of Commitment as provided in this Section II.

7. Duration: The Letter of Commitment permits the Applicant to extend the public Water System, as defined in the Letter of Commitment, provided that engineering plans are approved with the issuance of an Authorization to Construct by the City of Asheville Water Resources Department within one (1) year of the date of the Letter of Commitment and provided issuance of Certificate of Acceptance of construction by the City of Asheville Water Resources Department occurs within one (1) year following date of Authorization to Construct. Failure to comply with these time constraints will cause the Letter of Commitment to become null and void, of no further force and effect. The Applicant may request a new Letter of Commitment as provided in this Section II upon payment of the fees set forth in Schedule I. Prior to the expiration date, the Applicant may request, in writing, a one (1) year extension of a Letter of Commitment at the same location for equal or less water demand.

8. Transferability: A commitment of water availability as set forth in a Letter of Commitment is transferable by the Applicant upon written notice of the transfer by the Applicant to the Director identifying by name and address the Transferee. However, the terms of the Letter of Commitment shall not be altered as a result of a transfer, except solely to substitute the identity of the transferee for the Applicant.

9. Limitation of Liability of Commitment: If a Letter of Commitment is approved by the Director, it is understood that the rate of delivery of the Water Supply by GPM and GPD committed by the City is limited to the request made by the Applicant. The Applicant is solely responsible for the planning, engineering, or architectural design necessary to

determine the purpose(s) and rate(s) of delivery of water required for the size and type of project proposed, including conformance with building and/or fire code requirements. A Letter of Commitment shall not be materially amended for the benefit of Applicant after it is issued. Any material change sought by Applicant must be obtained by Applicant submitting a new request for a Letter of Commitment as set forth in Section II of these Policies. Neither the Director nor the City assumes any liability whatsoever if a subsequent request for a Letter of Commitment is denied.

III. CONNECTION POLICY

A. General

1. Unauthorized Use: It is unlawful for a person to have any Connection or to take any water from the Water System without first obtaining written permission to do so from the Water Resources Department. The right to take water from the Water System may be granted only by written permit and approval, and no Connection may be made or modified for any purpose unless a written permit shall have been obtained in advance from the Water Resources Department authorizing the use for and manner in which water is taken from the Water System. An unauthorized Connection or taking of water from the Water System may result in the termination of water service to the violator, as well as the application of all other penalties, civil or criminal, as provided by law. N.C.G.S.14-151 is incorporated herewith in support of this paragraph.

2. Connections: All Connections in their entirety, including the replacement and repair of pavement and sidewalks, shall be made by the Water Resources Department or a duly licensed North Carolina utility contractor specifically authorized by the Director for a specific Connection, except for Extensions approved in writing by the Director and whose installation is also approved in writing by the Director.

3. Non-Obligation: The receipt by the Water Resources Department or the Director of an application for a Connection or for water service in general, regardless of whether or not accompanied by a deposit, shall not obligate the City to render the requested service.

4. Location of Connections: Connections from a tap to a meter shall be installed perpendicular to the public right-of-way or easement within which the water line is located. Meters and meter boxes shall be set within or immediately adjacent to (in public right-of-way) the Premises being served, except for approved off-site meters as described in Section V.D.2

5. Water Meter Size: Notwithstanding the request by the Applicant, the Director may determine the appropriate size and type of water meter for a Connection.

3. Disputed Ownership: Whenever application is made for service to Premises in which there is a dispute as to the ownership or right to occupy the Premises, the City may:

   a. Treat the Applicant in actual possession of the Premises as being entitled to such service, irrespective of the rights or claims of other persons; or

   b. Withhold service, pending a judicial or other written settlement of the dispute satisfactory to the City.

4. Connection Permit: If an application for Connection is approved by the Director or his/her designee, the same shall signify such approval by signing and dating the Connection application form, with approved application form and any addenda thereto shall constitute a permit for Connection.

5. Consumption Increase: Any Customer served through an existing meter who wishes to increase water consumption in excess of then approved maximum consumption, must make application for a determination of Water Availability in substantially. This application

shall be submitted to the Director along with a processing fee as set forth in Schedule I. This application will be reviewed and denied or approved in writing by the Director.

6. Approval: Applications for Connections shall be approved in writing by the Director.

   a. Adequacy of Existing Supply: Prior to providing any new Connection, the Director shall determine the adequacy of existing water supply, flow, line sizing and pressure to the Applicant's Premises. If it is determined that the water supply, pressure or line sizing is inadequate or the proposed Connection will adversely affect existing Customers, the application shall be denied. This shall not limit the right of the Director to disapprove any Connection application for other reasons which in his judgment are for the benefit of the Water System or Customers.

B. **Connection with Fire Hydrants**

1. Policy: This Policy shall not apply to the use of the Water Supply through fire hydrants for the purpose of extinguishing a fire in an emergency. It is otherwise the policy of the City to deny permission to use water from fire hydrants connected to the Water System except when authorized in writing by the Director. Upon receipt by the Director of an Applicant's application and written approval by the governmental body that owns the fire hydrant for the Applicant to use the fire hydrant described in the application. The Director may grant permission for the use of the Water Supply from the fire hydrant when in the opinion of the Director there is not another high volume water source reasonably available to the Applicant. The Applicant's use shall be temporary and reasonable in nature and duration. The use of water shall be metered with a backflow assembly attached as required by the Director. The Applicant's purpose shall be reasonable and the projected volume of water to be used will not adversely affect the supply of water to existing Customers or Consumers.

2. Application: The written application for a permit to use water from a fire hydrant connected to the Water System shall be made at least three (3) days prior to the first date Applicant intends to withdraw water from the fire hydrant. Application shall be made on a form supplied by the Director and shall set forth:

   a. The name and address of the Applicant;
   b. The location of each hydrant Applicant proposes to use;
   c. The length of time each fire hydrant will be used.
   d. Applicant's purpose for water use;
   e. The proposed consumption in GPM and GPD; and
   f. Such other information as the Director may require.

3. Service Fees: The Applicant shall make payment in advance for the use of a fire hydrant meter. Applicant's payment will be comprised of a non-refundable processing fee and security deposit if meter is immediately available as set forth in Schedule I. An additional monthly rental fee will be charged for any hydrant meter that is in use for 15 days or more as per Schedule I. When the hydrant meter along with the attached backflow assembly is returned in good condition to the Water Resources Department, the security deposit, less a charge for the water used as set forth in Schedule I attached hereto, will be refunded. If the hydrant meter or backflow assembly is damaged and or lost, all or part of the security deposit shall be forfeited to repair and or replace the hydrant meter or backflow assembly, at the discretion of the Director. If the cost of repair / replacement exceeds the deposit, the Applicant shall pay those costs exceeding the deposit remaining.

4. Connection by Water Resources Department: All approved applications for temporary use of water from a fire hydrant shall be provided through a fire hydrant meter. At the request of the customer, a Water Resources Department employee will assist in the initial installation and use of a fire hydrant meter. This assistance will include instruction on the installation of the fire hydrant meter as well as in the proper operation of a fire hydrant, upon obtaining the hydrant meter. Fire hydrant meters will not be installed unless and until

proper backflow prevention equipment is in place to be provided by the Water Resources Department, or it is determined in writing by the Water Resources Department that the use of the fire hydrant meter does not pose a threat of backflow. Otherwise, any use of a fire hydrant meter without proper backflow prevention devices or methods will result in immediate loss of the fire hydrant meter use privileges and/or such criminal sanctions and/or civil remedies as provided by applicable law. Hydrant meter connections shall not be allowed on "Red top" hydrants or hydrants exhibiting less than 500 GPM flows.

5. Continual Use Permit: When in the opinion of the Director an Applicant states reasonable grounds in the Application to withdraw water to transport to another location from more than one fire hydrant on a continuing basis for more than twenty-four hours, the Director may grant the Applicant a written permit to do so for up to six months upon the following conditions:

   a. In addition to the information contained in the fire hydrant Connection application set forth, the Applicant shall set forth the number of tanker trucks or other vehicles that the Applicant proposes to use, and a description of each, including, without limitation, each vehicle by model, license number, and water storage capacity;

   b. For each tank truck or other vehicle to be used, the Applicant shall make a refundable cash deposit in an amount equal to the then current cost of a water meter multiplied by the number of trucks or other vehicles upon which a meter is to be installed;

   c. The Applicant shall have a water meter on each tank truck or other vehicle, and each meter shall be sized by the Water Resources Department. There shall be installed an approved and effective backflow preventer or approved air gap on each tank truck or vehicle which shall be subject to inspection and approval by the Operator Responsible in Charge of Backflow or a Asheville Water Resources Backflow Inspector. This backflow preventer shall be capable of being tested and shall be maintained in good working order by the Applicant. Each tanker truck or other vehicle shall be made available to the Water Resources Department at least monthly or at such other regular intervals as the Director may require and at a date, time and location set by the Director for meter reading.

   d. The Applicant shall be charged a monthly water bill computed on actual consumption and based on the water rates set forth in Schedule I attached hereto. Monthly fire hydrant meter bills that are not paid are subject to fines and fees set in Schedule I and are ultimately subject to cut off and repossession of the fire hydrant meter by the Water Resources Department.

   e. Applicant shall pay the Service Fee and security deposit set forth in Section III B.3 of these Policies. The deposit will not be refunded until each meter has been returned to the Water Resources Department in good operating condition. If a meter is not returned in good operating condition, the cost of repair or replacement shall be deducted from any deposit. Also, all outstanding water charges of Applicant shall be paid prior to refund of the deposit, and any balance due shall be deducted from the deposit.

   f. The Applicant acknowledges to the City that the persons who will do the actual attachment of the tank truck or other mode of transportation to the fire hydrant have been adequately trained in the operation of fire hydrants and that they will at all times be supplied with proper tools required to prevent damage to the fire hydrant. The Applicant shall indemnify and hold harmless the City and the governmental body who owns the fire hydrant for any damage to a fire hydrant and any other costs or expenses in any way related thereto, including reasonable attorney's fees caused by Applicant, Applicant's employees, agents or equipment. Any damage to a fire hydrant shall be repaired by the Water Department and billed to the Applicant at the actual cost of repairs plus thirty percent. Any balance owed for such repairs or other loss or expense to the City

or the governmental body who owns the fire hydrant shall be paid prior to the refund of the deposit, or in the alternative, shall be deducted from the deposit before refunding the balance.

g. A copy of the continual use permit shall remain on each approved tank truck at all times and shall be subject to review by the Water Resources Department upon request.

6. **Connection and Use by Fire Department**:

a. Except in an emergency fire event, no fire department may withdraw water from public fire hydrants attached to the Water System without giving the Director or his designee advanced notice and receiving approval to do so.

b. After any use of a fire hydrant, the responsible agency shall notify the Director or his designee in writing of the estimated water usage on the form approved by the Water Resources Department.

c. Water drawn by any Fire Department either through a metered connection or fire hydrant for domestic purposes will be charged to the appropriate agency or department at the applicable rate set in Schedule I.

7. Connection and Use by Water Resources Department: Water can be drawn from fire hydrants by the City of Asheville Water Resources Department for water system maintenance and flushing at no charge for water consumption. Water drawn from the water system for maintenance must be tracked and reported either through a hydrant meter or approved tracking method and reported on a weekly basis. Direct connections to system maintenance equipment must be protected for backflow Section VI. Cross-Connection Control Policy.

8. Penalty: Failure to comply with this section or the unauthorized use of water from a fire hydrant may result in the immediate termination of water service to the person obtaining water illegally or in an unauthorized manner, and shall subject the person to all other penalties, civil or criminal, as provided by law.

9. Termination of connection with hydrant: The Director reserves the right to immediately discontinue service to any hydrant meter connection that poses a threat of backflow contamination or may have an adverse effect on the supply of water to existing Customers or Consumers.

D. **Maintenance and Repair of Approved and Installed Connections**:

1. Except as otherwise noted, the City of Asheville shall be responsible for the repair and maintenance of the Connection, Service Line, and Meter after installation for as long as water service to the Customer served by the Connection is not terminated as set forth in these Policies and is in active use.

1. Single Family Residential water services shall be deemed inactive if the Water Supply to a Premises has zero consumption per month for any consecutive period of more than two (2) years. The City may cease maintenance and repair responsibility for the Connection and any Service Line to such Premises. If an Applicant applies for water service to a Premise after the City has ceased repair and maintenance responsibility for the Connection, and the Connection or any Service Line is not suitable to provide water service in the opinion of the Director, then the Applicant may be required to apply for a new Connection at the Applicant's expense. The minimum charge to activate an existing water service that is inactive shall be the cost of a drop in meter minus the development fee as provided in Schedule I of these Policies. If a new tap is required, the Customer must pay the current full tap and meter fee minus the development fee per Schedule I.
2. For water services larger than 1-inch, these services shall be inspected by the Water Resources Department any time there is activity on the Premise requiring building/zoning permits from either the City of Asheville, Buncombe or Henderson County. Existing services that do not meet current City of Asheville Standards at that inspection shall be upgraded to current standards at the expense

of the Applicant. Upgrades to current Standards will also include payment of development fees for inactive accounts that increase service connection size.

3. The owner of a Premises shall obtain written approval from the Director before performing grading, landscaping, construction of driveways, or other activities that may adversely affect a Connection or Service Line, including the meter box, or access thereto. Any and all costs and expenses to repair or gain access to any Connection or Service Line shall be paid by any and all persons whose activities or actions caused the need for repairs or revised access.

IV. EXTENSION POLICY

A. Application

1. No Extension shall be accepted without written approval of the Extension by the Director through a Letter of Commitment issued prior to any construction of the Extension. An Applicant for an Extension shall submit to the Director a written request for a Letter of Commitment signed by the Applicant and identifying the Customer by name and address. If Applicant requests water service, which, in the determination of the Director, will impose a demand in excess of the capacity of an existing Main or other water supply line, the Director may require the Applicant to replace the existing Main or water supply line with a new Main and/or water supply line as specified by the Director. Such replacement shall constitute an Extension to be paid for by the Applicant.

2. Engineer: A North Carolina licensed professional engineer shall prepare at Applicant's expense complete plans and specifications for any proposed Extension satisfactory to the Director and in accordance with the Asheville Water Engineering Standards Specifications.

B. GENERAL SPECIFICATIONS

1. Approval: The Director or his/her Designee shall review the application, plans and specifications for any Extension and will approve or reject them in writing.

2. Asheville Water Engineering Standard Specifications: The water mains, service lines, pump stations, storage tanks, control valves, appurtenances and other facilities to be installed as part of an Extension shall be satisfactory to the Director and in accordance with recognized standards and accepted engineering practices. An Extension shall be designed and constructed to meet the anticipated growth and development in the general location it will serve, and of the Water System as a whole. Minimum design criteria and construction practices for an Extension shall be as then set forth in the City of Asheville Water Resources Department's Design and Construction Manual. These Policies shall control in the event of any conflict between these Policies and the Asheville Standard Specifications.

3. Additional Improvements: The Director may require that Applicant install extra or larger Mains, Service Lines and/or other or additional water facilities and appurtenances, including but not limited to storage tanks and pumps (hereinafter the "Additional Improvements") as part of an Extension not then necessary solely for Applicant's purposes. The City may enter into a written agreement with Applicant to reimburse the Applicant for such portion of the costs (labor and material) as shall be attributable to the Additional Improvements.

   a. If sufficient funds for the Additional Improvements are not available to the City, the City may deny the application for an Extension unless the Additional Improvements are furnished as part of an Extension. The Applicant may thereupon agree to pay the costs of Additional Improvements without reimbursement from the City in order to proceed with an Extension.

   b. If the City agrees in writing to reimburse the Applicant for all or a portion of the costs of the Additional Improvements, the Applicant shall comply with North Carolina law as it applies to public construction contracts.

4. Fire Protection: The City of Asheville assumes no obligation for the adequacy of public or private fire protection service. The Applicant shall cause fire hydrants to be installed in accordance with the Asheville Water Engineering Standard Specifications and Cross-Connection Control Policy. Fire hydrants shall be supplied by the Applicant at Applicant's own cost and shall meet the minimum design requirements of the Asheville Water Engineering Standard Specifications. Connections for private fire protection may be approved by the Director, provided said Connections include the appropriate type of backflow protection and detector meter installed by the Applicant at Applicant's own cost. The Director may direct any and all fire lines to be fully metered to track any consumption of water on the fire line. All fire protection systems shall comply with Section VI: Cross-Connection Control Policy.

C. Real Property Easements and Conveyances

1. Obtained by Applicant: Mains and Service Lines may only be installed in dedicated public streets or duly recorded rights-of-way satisfactory to the City of Asheville. The Applicant will be responsible for securing and recording any easements and/or encroachment agreements necessary for an Extension on forms provided by the Director.

2. Size: An easement shall be of unlimited depth. Water Mains and Service Lines shall be placed within the permanent easement or right of way, to allow at least ten (10) feet of distance between the outer dimensions of the line and any easement boundary. The Director may require additional easement footage based upon location, depth, slope, terrain, topography of water line as deemed appropriate to replace, repair, install and/or maintain water lines.

3. Tanks and Reservoirs: The Applicant shall convey real property in fee simple to the City of Asheville on or in which pumps or reservoirs are constructed as part of an Extension. The dimensions of the real property shall be of sufficient size to allow proper maintenance and/or repair of such water facilities as determined by the Director.

4. Easement for Future Use: When deemed necessary by the Director, the Applicant shall convey to the City one or more twenty (20) foot wide permanent easements for future expansion of the Water System, to serve adjoining property or to complete future looped Main connections with the Water System serving adjoining property.

D. Construction, Installation and Project Close-Out

1. Approved Drawings: After approval of the plans and specifications for an Extension, the Applicant shall be given a copy of the drawings and specifications (hereinafter the "Approved Plans and Specifications") approved and signed by the DEQ's delegated authority, which is the City of Asheville Water Resources Department. With receipt of the "Approved Plans and Specifications" the applicant shall also receive a request to establish the time and date for a mandatory pre-construction meeting.

2. Pre-Construction Meeting: The Applicant, Engineer of Record and Project Utility Contractor are required to attend the pre-construction meeting and all other involved utilities shall be invited to the pre-construction meeting by the Applicant. The City of Asheville Water Resources Department shall host the meeting. All standard construction, special construction and project close-out procedures and issues shall be addressed in the pre-construction meeting. The DEQ Authorization to Construct and all other required permits will be issued at the pre-construction meeting. After the pre-construction meeting the Applicant will have ten (10) days to commence construction of the Extension.

3. Cost: The Applicant shall be responsible for paying the entire cost of constructing the Extension, unless otherwise provided in writing by the City, including construction inspection fees. The Applicant shall construct or cause to be constructed the Extension in accordance with the Approved Plans and Specifications. During construction of the Extension and upon its completion, the Extension shall be subject to the inspection and acceptance by the Director.

4. Indemnity: By making application for an Extension, the Applicant agrees to indemnify and hold the City harmless from all loss, cost, damage, liability or expense resulting from injury to any person or property arising out of or related to the Extension.

5. Inspection: The Applicant's Engineer, at Applicant's expense, shall certify to the City of Asheville and to DEQ or its delegated authority that the Extension has been constructed in accordance with the Approved Plans and Specifications. The City's Water Resources Water Engineering Department may also make periodic observations during construction of the Extension. Provided, however, observations by any representatives of the City shall not relieve Applicant's Engineer from the inspections and certification set forth herein. The City shall have no obligation to discover or note defects in the work or design of the Extension, and shall have the right to rely exclusively on the representations and certifications of the Applicant and its Engineer.

6. Contractor: Any and all contractors or subcontractors who perform work on the Extension must be duly licensed under North Carolina law to perform the work, and they must be approved by the Director.

7. Deviation: If, in the judgment of the Director, the Extension construction deviates from the Approved Plans and Specifications, or there is a lack of competent supervision by a contractor, the Director may refuse to accept the Extension.

8. Responsibility of Applicant: Observations of an Extension by the Director, or any other agent or representative of the City shall not imply supervision or approval of the work or materials related to an Extension. The City assumes no responsibility for the work performed or materials supplied. The Applicant is solely responsible for insuring that the Extension is completed in accordance with the Approved Plans and Specifications.

9. Project Close-Out: Prior to the final project inspection and acceptance of Extension, specific close-out documentation must be received and approved by the City of Asheville Water Resources Department. For every Extension an Owner's Certificate of Completion, Engineer's Certificate of Completion, a Contractor's Certificate of Completion and an As-Built / Record Drawing will be required. Some Extension projects may require some or all of the following close-out documents; a recorded water line easement plat, a recorded water line easement document and an Estoppel Certificate. All specific requirements for these close-out documents can be found in the City of Asheville's Water Engineering Standard Specification and Details Manual.

10. Initiation of Service: No Connections, including permanent connections or Fire Hydrant Connections, shall be placed into service before an Extension is completed and accepted by the Director, except that specific "punch list" work not affecting the quality or quantity of water service may be completed after service is initiated if approved in writing by the Director and a Letter of Credit issued by a Bank acceptable to the Director to guarantee completion of such work within a reasonable time in a manner and form approved by the City's Attorney.

11. Economic Development Incentives for Potential Large Industrial Users: Developers of new large industrial users who plan to locate in the City of Asheville's Service Area may request that the City Council grant funds to defray the costs of infrastructure necessary to connect to the City's Water System The City Council had discretion as to whether to allow an incentive, and the amount of the incentive, based upon factors to be determined by the City Council, which could, but would not be required to include the following: the amount of water required, the number of jobs created, and the cost of the infrastructure improvements. In order to request economic incentive funds under this Policy, the following minimum requirements must be met:
    1. The industry must be located in Asheville's Service Area;
    2. The industry must have a minimum daily usage of at least 80,000 gallons;

    If the industrial user's location is outside of Asheville's corporate limits, the governing jurisdiction must agree to be a party to any economic incentive agreement, and to partner with Asheville in the event such incentives are allowed.

E. City, or Counties Extensions

1. City/County Extension: Subject to the availability of adequate water and the approval of the Director, nothing in these Policies shall prevent the City or one or more of the Counties from extending Mains at their own expense, in whole or in part. Fees for Extensions initiated by the City or Counties may be waived by the Director.

   a. An Extension will only be funded by the Water Fund to the extent that it is in conformance with these Policies. The ownership of any Main, Service Line or other water supply line constructed in this manner shall be conveyed to the City subject to the conditions contained herein.

2. Annexation: The Water Resources Department shall meet the need to expand the Water System to enable the City to fulfill its annexation obligations for water services. To that end, shall appropriate from water revenues the funds needed, less any grant funds, for the City to meet annexation obligations, subject to any contractual obligations or bond covenants that affect the use of water revenues.

3. City of Asheville Extensions: The City may authorize an Extension for any of the following purposes, subject to the availability of adequate funds and the approval of the Extension by the City: (a) Extension of a transmission Main for the benefit and purpose of the Water System as a whole as provided in a Master Plan previously approved by the City; (b) Extension of a Main to replace an existing Main which is inadequately sized to serve existing customers, is in deteriorated condition where replacement is more practical than repair, or is of such condition as may impose a health or other threat to the quality of service of the Water System; (c) Extension of a Main to serve property where the adjoining property owners desiring to receive service by a written contract to reimburse the City over a payback period, not to exceed five years, through a special flat charge added to each of their water bills during the payback period.

F. Ownership and Maintenance

1. Owned by City: Upon completion of all Extensions and improvements related thereto in accordance with these Policies and upon their inspection approval, and acceptance by the Director on behalf of the City, all Extensions and improvements shall become the sole property of the City.

2. Deeds: Applicant shall execute any written instrument requested by the Director to convey title to and/or provide evidence of title to the Extension and improvements related thereto whether or not they are located in a public right-of-way. Such deeds or other written instruments shall be prepared, executed and recorded at the Applicant's expense, and may be subject to the approval of the City's attorney.

3. Water System: Extensions and related Improvements shall be titled in the name of the City, and they shall be a part of the Water System.

4. Accepted by City: The Extension and every related deed, contract, right-of-way and encroachment agreement shall be presented to the Director for acceptance on behalf of the City. The City's acceptance shall be in writing and signed by the Director.

5. Maintenance: Following the acceptance of an Extension and/or a Connection by the Director, the City shall have exclusive control over the Extension and/or Connection and shall be responsible for maintenance, repair and operation.

6. Warranty: By requesting the Director to accept the Extension, Applicant warrants and guarantees to the City the entire Extension and each part thereof against defective materials and workmanship for a period of twelve (12) months from the date of acceptance by the City as provided in these Policies, including, without limitation, such incidental and consequential damages as may arise from such claims.

7. Termination: The Customer's Water System shall be maintained in good condition and

repair. The Director shall have the right to discontinue service to any Premises wherein the Customer's Water System is not maintained in good condition and repair.

G. Assessment Projects (Reserved)

V. METERS

A. Charges for Metered Water Usage

Requirement: No water shall be supplied by the City to any Customer and/or Consumer except through a water meter of a style, pattern, size and quality approved by the Director.

Irrigation: G.S. 143-355.4 requires that Local government water systems and large community water systems shall require separate meters for new in-ground irrigation systems on lots platted and recorded in the office of the register of deeds in the county or counties in which the real property is located after July 1, 2009, that are connected to their systems.

Connection: The meter shall determine the quantity of water for which the Customer will be charged, unless it is determined as provided in these Policies that the meter inaccurately registered water. All applicable charges for water service or as otherwise set forth in these Policies commence no later than when the meter is connected to the Water System. Except as otherwise provided for herein, each Customer shall be charged the minimum monthly billing charge and the cost of all water passing through the meter whether the water is used, or wasted, and whether or not a Premises is occupied.

Billing: The City of Asheville shall only issue one bill per Customer per meter during a billing cycle.

B. Inspection of Meters

1. Access: Duly authorized agents of the Water Resources Department shall have complete access at all reasonable hours to the Premises for the purpose of installing or removing meters, inspecting piping or apparatus, reading or testing meters or for any purpose related to water service or any part of the Water System. Application for and acceptance of water service shall constitute consent by the Customer and Consumer to permit access to the Premises. Failure to provide reasonable and non-hazardous access to the meter shall result in termination of water services. Furthermore, failure to remove any obstructions to meter access within 10 days after written notice of the obstruction may result in fines levied by the Director and/or termination of water service.

C. Meter Tests

1. Routine Tests: The Water Resources Department may, at its own expense, make routine tests and inspections of a meter whenever the Director considers such tests necessary or desirable.

2. Accuracy: In testing meters, the water passing through a meter will be measured in accordance with the American Water Works Association ("AWWA") Standard C700-95 and AWWA Manual M6 as subsequently amended and revised.

3. Requested Testing: A Customer may request one free meter test every 24 months in accordance with Section V.C.2. The Customer shall pay a meter testing charge in the amount set forth in Schedule I attached hereto. More than one (1) test in 24 months must be approved by the Director. If the test proves the meter to be inaccurate, then the Customer's Account shall be credited in the amount of the testing charge

4. Data-Log Information: A Customer may request one no charge data-log report every twenty-four (24) months in accordance with Section V.C.2. The Customer shall pay a data-log fee in the amount set forth in Schedule I attached hereto. More than one (1) data-log report within twenty-four (24) months must be approved by the Director. If the

data-log report proves the meter to be inaccurate, the Customer's account shall be credited the data-log fee.

D. Ownership of Meters

1. City-owned: The City shall have title and ownership of all water meters that are part of the Water System.

2. Location:
   a. Except as provided in subsection b. below, all meters shall be located on the Licensed Premises.
   b. The Director of Water Resources is hereby given the authority to approve the location of water meters beyond the boundaries of the Licensed Premises in the following circumstances:
      (1) Service to one (1) existing commercial or residential property where there is no available water line immediately adjacent to the Licensed Premises which can provide an additional service tap under the Water Policies or State regulations ("serviceable line"); or
      (2) Service up to a maximum of four (4) proposed new subdivided lots with approval of the Director for the purpose of a single-family residence when there is no serviceable line immediately adjacent to the Licensed Premises, provided the same property owner has not claimed another exception under this Section V.D.2. within 1000 feet of this location within the past five years, and provided the master property being subdivided into the proposed new lots, has not been subdivided from a larger tract within the past five years. All necessary easements for constructing and maintaining the private service lines must be depicted on the subject subdivision plat(s).
      (3) The exception for the location of the water meter contained in this subsection b. is subject to the Customer executing a Contract with the City, binding on the Customer's heirs, successors and/or assigns, recorded at the Buncombe County Register of Deeds' Office ("Register of Deeds") and containing the following conditions:

         (1) Customer shall obtain and record with the Register of Deeds an easement agreement with each property owner through which their private water line traverses;
         (2) Customer shall obtain a perpetual encroachment agreement with the appropriate public agency controlling any public right of way over which the private water line traverses;
         (3) It shall be the responsibility of the Customer to ensure adequate fire protection is available from the local Fire Department. The City is not responsible for providing fire protection to the property;
         (4) Customer shall be responsible for leaks, consumption of water, cost of repairs, and water pressure losses beyond the water meter;
         (5) Customer shall bear all cost and responsibility to connect to a new meter on or adjacent to the Licensed Premises if a serviceable line becomes available to the Licensed Premises in the future as determined by the Director in his sole discretion;
         (6) Customer shall not sell water from the private water line to other properties; and
         (7) Any other conditions required by the Director in the director's sole discretion.

3. Removal by Director: The Director reserves the right to maintain, remove, replace, test, and otherwise exercise control over any meters for causes deemed justifiable by the Director.

4. Bypasses: In order to complete repairs or conduct tests, bypasses may be installed by the Water Resources Department around all meters one inch 1" and larger. No Person shall

have a bypass around any meter without written permission from the Director. All bypass lines shall comply with Section VI Cross-Connection Control Policy. The existence of a bypass or unauthorized use of an approved bypass at a Premises without written approval of the Director shall be grounds for immediate Emergency Termination without notice to the Customer or any Persons occupying the Premises. All bypasses shall be off at all times, and if possible, locked and protected by an appropriate backflow device. Refer to Section VI: Cross-Connection Control Policy for more information.

5. Repairs: In order to provide for accurate movement of water, the Water Resources Department shall maintain all meters with high accuracy which are read for billing purposes. Meters one inch or smaller in need of maintenance or testing will be removed by the Water Resources Department and replaced with a properly maintained and tested meter of corresponding size and type. Meters larger than one (1) inch in need of maintenance shall be repaired at the Premises, if reasonably possible.

6. Damage: The Customer shall be financially responsible for any damage to, or loss of, the meter at his Licensed Premises caused by vandalism, malicious mischief, theft, hot water, tampering, or casualty other than ordinary wear and tear. When a meter is damaged as a result of any such causes, the Customer shall bear the entire expense of removing, repairing, resetting and replacing the meter. Furthermore, in addition to paying actual damage, if any, the Customer may also pay a penalty in accordance with Schedule I if it is determined by the Director, in his/her sole discretion, that the damage to or loss of the meter was the result of an intention, willful or grossly negligent act of the Customer.

7. Interference: All meters shall be installed, tested, repaired and removed only by representatives of the City including, without limitation, the Water Resources Department. No Person shall tamper with a meter or take any action which will in any way interfere with or prevent the proper registration of the flow of water by a meter without the written approval of the Director. N.C.G.S.14-151 is incorporated herewith in support of this paragraph

8. Termination: Any use of a meter other than as provided in these Policies or presence of an unapproved bypass around a meter may result in the termination of service, removal of the meter, as well as all other penalties, civil or criminal, as provided by law.

E. Metering Requirements: Metering options may be found in the Water Engineering Design Standards Manual. All metering shall comply with Section VI: Cross-Connection Control Policy.

F. Change in Meter Size

1. Application: Any Customer desiring to have an existing meter replaced by a meter of a different size may do so by making written application to the Director. An application to change a meter that will result in the new meter operating improperly or other than in its designed capacity or range of accuracy shall be denied by the Director.

2. Leased or Rented Premises: An application for a change in meter size may only be made by the owner of the Customer's Premises.

3. Charge: At the time that an application for a change in meter size is approved, the Applicant shall pay the fee as set forth in Schedule I attached hereto.

VI: CROSS-CONNECTION CONTROL POLICY

A Policy to Protect the Quality of the Treated Public Water Supply

A) INTENT, PURPOSE AND CONTROL:

1. It is the intent of this policy to eliminate the potential hazards to the potable water within the water main and water supply systems. It is also the intent to apply the principle that the degree of protection should be commensurate with the degree of hazard.

2. The purpose of this policy is:

   i) To protect the public potable water supply of the City of Asheville against actual or potential cross-connections, backflow and backsiphonage by isolating and containing, within the premises or private property, contamination or pollution that has occurred or may occur because of some undiscovered or unauthorized crossconnection on the premises or private property.

   ii) To eliminate crossconnections, backflow and backsiphonage or any other source of water or process water used for any purpose whatsoever which may jeopardize the safety of the public potable water supply of the City of Asheville.

   iii) To establish a crossconnection, backflow and backsiphonage control program.

3. Crossconnection, backflow and back-siphonage control requires cooperation between the City of Asheville and the customer. The responsibilities and duties of each shall be as set forth in this policy and other applicable regulations.

   This policy will comply with the Federal Safe Drinking Water Act (P.L. 93523), the North Carolina State Administrative Code (Title 10, Chapter 10, Subchapter 1• 0D, Subparagraph .1006), and all other State and Federal regulations as they pertain to crossconnections with the public water supply.

B) RESPONSIBILITIES:

HEALTH AGENCY

The North Carolina Department of Environmental Quality has the responsibility for promulgating and enforcing laws, rules, regulations, and policies to be followed in carrying out an effective Cross Connection Control Program. The North Carolina Department of Environmental Quality also has the primary responsibility of ensuring that the water purveyor operates the public potable water system free of actual or potential sanitary hazards, including unprotected cross connections. They have the further responsibility of ensuring that the water purveyor provides an approved water supply at the service connection to the customer's water system and, further, that they require the installation, testing, and maintenance of an approved backflow prevention assembly on the service connection when required.

WATER RESOURCES DIRECTOR

The Director, Department of Water Resources is primarily responsible for the prevention of contamination and pollution of the public water system. Such responsibility begins at the point of origin of the public water supply and includes all of the public water distribution system, and ends at the point of delivery to the customer. The Director shall exercise reasonable vigilance to ensure that the customer has taken the proper steps to protect the public potable water system. When it is determined that a backflow prevention assembly is required for the prevention of contamination of the public system of the City, the Director shall notify, or cause to be notified, in writing the owner of any such building or premises, to correct, within a time set by this ordinance, any plumbing installed or existing that is in violation of this ordinance.

Enforcement of this ordinance shall be administered by the Director, or his designee.

WATER PURVEYOR (City of Asheville Water Resources Department)

Except as otherwise provided herein the water purveyor's responsibility to ensure a safe water supply begins at the source and includes all of the public water distribution system, including the service connection, and ends at the point of delivery to the customer's water system(s). In addition, the water purveyor shall exercise reasonable vigilance to ensure that the customer has taken the proper steps to protect the public potable water system. To ensure that the proper precautions are taken, the City of Asheville Water Resources Department is required to determine the degree of hazard or potential hazard to the public potable water system; to determine the degree of protection required; and to ensure proper containment protection through an ongoing inspection program.

When it is determined that a backflow prevention assembly is required for the protection of the public system, the City of Asheville Water Resources Department shall require the customer, at the customer's expense, to install an approved backflow prevention assembly on each service connection, to test upon approval of installation and thereafter at a frequency as determined by the City of Asheville Water Resources Department. It is the responsibility of the customer to properly repair and maintain such assembly or assemblies and to keep adequate records of each test and subsequent maintenance and repair, including materials and/or replacement parts.

As part of the delegated authority granted to the City of Asheville Water Resources Department by the North Carolina Department of Environmental Quality (NCDEQ), the Water Resources Department has the responsibility to review and approve plans for all water line extensions which will become part of the City of Asheville's public water system. The Department also has the duty to verify that construction of such extensions comply with the requirements of this policy and other applicable City and State regulations prior to installation of any backflow prevention assemblies. In addition to the civil plans, the sprinkler company and/or engineer submitting plans must also submit a sprinkler system certification letter provided by the Water Resources Department. This certification must include verification that the sprinkler company is a licensed contractor/designer/installer in the State of North Carolina, that the proposed system will use or not use chemical additives or a booster pump, and specify the type of backflow prevention assembly to be installed, including size; brand name and model number; and the backflow assembly will be installed <u>and tested</u> in accordance with this policy. The sprinkler system certification letter is not required when a reduced pressure principle assembly (RPZ) is installed.

The City of Asheville Water Resources Department will develop and maintain standards for installation of backflow preventers and will maintain lists of approved backflow prevention assemblies. This policy specifies the types of required backflow prevention assemblies based on the hazard of water supply contamination posed by the customer.

<u>BUILDING INSPECTIONS</u>

The Building Inspections Divisions of the City of Asheville and Buncombe County have the responsibility to not only review building plans and inspect plumbing as it is installed; but they have the explicit responsibility of preventing cross connections from being designed and built into the plumbing system within their jurisdiction. Where the review of building plans suggests or detects the potential for cross connections being made an integral part of the plumbing system, the plumbing inspector has the responsibility, under the North Carolina Building Code, for requiring that such cross connections be either eliminated or isolated with a backflow prevention device approved by the N.C. Building Code.

The plumbing inspector's responsibility, with respect to backflow prevention, begins at the point of delivery (downstream of the first installed backflow prevention assembly) and continues throughout the entire length of the customer's water system. The plan inspector should inquire about the intended use of water at any point where it is suspected that a cross connection might be made or where one is actually called for by the plans.

When such is discovered, it shall be mandatory that a suitable, approved backflow prevention assembly approved by the North Carolina Building Code be required by the plans and be properly installed and inspected. The primary protection assembly, for containment purposes only, shall have approval from the City of Asheville Water Resources Department.

All commercial water customers, multi-family dwellings, fire sprinkler systems and irrigation systems will be required to install backflow prevention assemblies on their water service lines. It will be the responsibility of the Building Inspectors to make applicants for building permits aware of the requirements of this policy and to contact the City of Asheville Water Resources Department for standards and approvals.

Should questions arise about the type or placement of any primary containment backflow prevention assemblies, the City of Asheville Water Resources Department shall be advised and shall make the final determination. Prior to final approval from building inspections, these backflow prevention assemblies shall be inspected by the City of Asheville Backflow and Cross Connection Inspector.

<u>CUSTOMER</u>

The customer has the primary responsibility of preventing pollutants and contaminants from entering the customer's potable water system or the public potable water system operated by the City of Asheville. The customer's responsibility starts at the point of delivery from the public potable water system and includes all of the customer's water system(s).

All commercial water customers, multi-family dwellings, fire sprinkler systems and irrigation systems will be required to install backflow prevention assemblies on their water service lines.

The customer, at his own expense, shall install, operate, test, and maintain approved backflow prevention assemblies on the service connections as directed by the by the Director or his/her designated agent, in accordance with the standards of the City of Asheville.

The customer will be responsible to ensure that any changes that occur due to any installation of a backflow prevention assembly on their fire line will not affect the design or hydraulic calculations of their fire sprinkler system.

The customer shall maintain accurate records of tests and repairs made to backflow prevention assemblies and shall maintain such records for a minimum period of three (3) years. The records shall be on a form approved by City of Asheville and shall include the list of materials or replacement parts used. Following any repair, overhaul, re-piping or relocation of an assembly, the customer shall have the assembly tested to ensure that it is in good operating condition and will prevent backflow. Tests of backflow prevention assemblies shall be made by a City of Asheville approved certified backflow prevention assembly tester.

CERTIFIED BACKFLOW PREVENTION ASSEMBLY TESTER

When employed by the customer to test, repair, overhaul, or maintain backflow prevention assemblies, a certified backflow prevention assembly tester will have the following responsibilities:

The tester will be responsible for making competent assessments and for repairing or overhauling backflow prevention assemblies and making reports of such repair to the customer and responsible authorities on forms approved by the City of Asheville. All assemblies shall be tested immediately following any repair, overhaul, or replacement of the assembly, to ensure good operating condition and prevention of backflow. The tester shall include the list of materials or replacement parts used. The tester shall be equipped with and be competent to use all the tools, gauges, manometers and other equipment necessary to properly test, repair, and maintain backflow prevention assemblies. It will be the tester's responsibility to ensure that genuine manufacturer parts are used in the repair of or replacement of parts in a backflow prevention assembly. It will be the tester's further responsibility not to change the design, material or operational characteristics of an assembly during repair or maintenance without prior approval of the City of Asheville. A certified tester shall perform the work and be responsible for the competency and accuracy of all tests and reports. A certified tester shall provide a copy of all test and repair reports to the customer and to the City of Asheville's Backflow and Cross Connection Control Office within ten (10) business days of any completed test or repair work. A certified tester shall maintain such records for a minimum period of three (3) years.

All certified backflow prevention assembly testers must obtain and employ backflow prevention assembly test equipment which has been evaluated and/or approved by the City of Asheville. All test equipment shall be registered with the City of Asheville Backflow and Cross Connection Control Office. All test equipment shall be checked for accuracy annually (at a minimum), calibrated, if necessary, and certified to City of Asheville as to such calibration, employing an accuracy calibration method acceptable to City of Asheville.

All certified backflow prevention assembly testers must become recertified every two (2) years through an approved backflow prevention certification program.

D) HAZARDOUS FACILITIES/ USES & EQUIP. AND METHODS OF CORRECTION

1) All commercial water customers, multi-family dwellings, fire sprinkler systems and irrigation systems will be required to install backflow prevention assemblies on their water service lines. The type of backflow prevention assembly required will be dependent upon the degree of hazard posed by the water user. The following are lists of facilities and uses identified by the City of Asheville as having potential for backflow.

Other types of facilities or uses not listed below may also be required to install approved backflow prevention assemblies if determined necessary by the City of Asheville.

DCVA = Double check valve assembly
RP = Reduced pressure principle assembly
DCDA = Double check detector assembly
RPDA = Reduced pressure detector assembly
AG = Air Gap

Assembly, factory, manufacturing, mill and/or processing plant: RP
Agriculture operations: RP
Automotive service stations, dealerships, etc:
a. No health hazard: DCVA
b. Health hazard: RP
Auxiliary water systems:
Approved public/private water supply: DCVA
a. Unapproved public/private water supply: RP or AG
b. Used water and industrial fluids: RP
Bakeries
a. No health hazard: DCVA
b. Health hazard: RP
Beauty shops/barber shops:
a. No health hazard: DCVA
b. Health hazard: RP
Beverage bottling plants: RP
Boilers and steam connections, sewer waste lines, low inlets to receptacles containing toxic substances: RP
Buildings – (Over five stories) all: RP
Canneries, packing houses, and rendering plants: RP
Chemical plants – manufacturing, processing, compounding, or treatment: RP
Church:
a. No health hazard: DCVA
b. Health hazard: RP
Coils or jackets used as heat exchangers, chillers: RP
Commercial car wash facilities: RP
Commercial greenhouses: RP
Commercial laboratories: RP
Commercial laundries:
a. No health hazard: RP
b. Health hazard: (i.e., boilers, dry cleaners): RP
Commercial sales establishments – department stores, malls, etc.:
a. No health hazard: DCVA
b. Health hazard: RP
Concrete/asphalt plants: RP
Dairies and cold storage plants: RP
Dental offices: RP
Dye works: RP
Film Laboratories: RP
Fire systems:
a. Non metered fire lines:
- No health hazard: RPDA
- Health hazard: (booster pumps, FDC, foam, antifreeze solution, etc.): RPDA
b. Metered fire lines:
- No health hazard: RP
- Health hazard: (booster pumps, FDC, foam, antifreeze solution, etc.): RP
Fuel-oil production, storage, distributing: RP
Funeral Home: RP
Golf courses: RP
Gravel/sand plants (quarry): RP
Hospitals, medical buildings with laboratories, sanitariums, morgues, mortuaries, autopsy facilities, nursing and convalescent homes, medical clinics, and veterinary hospitals: RP

Industrial facilities:
- a. No health hazard: DCVA
- b. Health hazard: RP

Irrigation systems: RP
Jail-correctional-detention facility: RP
Kennel: RP
Metal manufacturing, cleaning, plating, processing, and fabricating plants: RP
Mobile home parks:
- a. No health hazard: DCVA
- b. Health hazard: RP

Paper and paper products plants: RP
Pest control (exterminating and fumigating): RP
Pharmacy: RP
Poultry house: RP
Power plants: RP
Print shop/Photo-copy shop: RP
Pumps and tanks handling sewage, radioactive, lethal, or toxic substances, bacterial and viral materials: RP
Radioactive materials of substances plants or facilities handling: RP
Restaurants:
- a. No health hazard: DCVA
- b. Health hazard: RP

Restricted, classified, or other closed facilities: RP
Rubber plants (natural or synthetic): RP
Schools and colleges: RP
Sewage and storm drain facilities: RP
Swimming pools: RP
Waterfront facilities and industries: RP

2) All facilities identified as "high hazard" must have a containment assembly in the form of a reduced pressure principle assembly (RPZ). The customer is responsible for installing sufficient internal isolation assemblies in compliance with the N.C. building code.

3) All facilities not identified as "high hazard" will be considered moderate hazard facilities. All moderate hazard facilities must have a double check valve assembly (DCVA) as a minimum containment assembly.

4) The Director (or his designate) may, if in his judgment an imminent health hazard exists, could have the water service to the building or premises be terminated unless an air gap is provided.

5) No person shall connect or cause a connection to any supply of water not approved by the North Carolina Department of Natural Resources (i.e. private wells, springs) to the City of Asheville public potable water system UNLESS PROTECTED BY A RP ASSEMBLY.

6) It is the standard procedure for the City of Asheville Water Resources Department to install a dual check valve assembly (NOT A BACKFLOW ASSEMBLY, AS IT IS NOT TESTABLE) at the water service connection of single family residential units.

7) The City of Asheville Water Resources Department shall be notified by the customer when the nature of the use of property changes so as to change the hazard classification of the property, if necessary.

E) RIGHT OF ENTRY

1) The Director or an authorized agent from the City of Asheville shall have the right to enter, upon presentation of proper credentials and identification, any building, structure or premises during normal business hours, or at any time during the event of an emergency, to perform any duty imposed upon him by this policy. Those duties may include sampling and testing of water or inspections and observations of all piping systems connected to the public water supply. Refusal to allow entry for these purposes will result in discontinuance of water service.

2) Upon request, the customer shall furnish to the Director (or his designate) any pertinent information regarding the piping system on such property where crossconnections are deemed possible.

F) NOTICE OF CONTAMINATION OR POLLUTION

1) A customer must immediately notify the City of Asheville Water Resources Department if the customer's potable water system is contaminated or polluted.

2) A customer must immediately notify City of Asheville Water Resources Department if the customer has reason to believe that backflow has occurred from the customer's private water system to the public water system.

G) INSTALLATION OF ASSEMBLIES

1) All backflow prevention assembly installations must meet requirements set by the University of Southern California Foundation for Cross-Connection Control and Hydraulic Research (USCFCCC & HR), and/or the standard details furnished by the City of Asheville, whichever is more restrictive. These standard details are maintained and available by the City of Asheville Water Resources Department. Ownership, testing and maintenance of the backflow assembly will be the responsibility of the customer. The installer is responsible to make sure the backflow assembly is working properly upon installation (must be tested by a N.C. State certified backflow inspector), and to make available all installation and testing information to the City of Asheville Backflow and Cross Connection Office.

2) In general, all backflow prevention assemblies shall be installed on the customer's plumbing line beyond the water meter but prior to any branching of any plumbing lines from the common line, such that all water passing through the water meter shall also pass through the backflow prevention assembly. No water shall be permitted at any time, to bypass the backflow prevention assembly; if the customer requires or desires a bypass line to ensure continued service during backflow testing & repair, the bypass line shall include installation of a backflow prevention assembly equal in design as the first.

3) General guidelines for location and installation requirements are as follows:

Degree of Hazard	Type of Service	Type of Backflow Prevention Device	Size of Device	Location Requirements	Installation Requirements
Moderate	Domestic	Double Check Assembly	5/8" to 2"	Within 15 feet of the water meter.	Below ground in a large meter box or above ground heated insulated enclosure.
Moderate	Domestic	Double Check Assembly	2 ½" & above	Within 15 feet of the water meter.	Below ground in a precast drainable pit or above ground heated insulated enclosure.
High	Domestic/ Irrigation	Reduced Pressure Zone Assembly	5/8" & above	Within 15 feet of the water meter.	Above ground insulated enclosure only. Horizontal installation only.
Moderate	Fire (un-metered) No FDC	Reduced Pressure Detector Assembly	2-1/2" & above	Adjacent to road right-of-way.	Above ground insulated enclosure only. Horizontal installation only.
Moderate	Fire (metered) No FDC	Reduced Pressure Assembly	2" & above	Within 15 feet of the water meter.	Below ground in a precast drainable pit or above ground heated insulated enclosure.
High	Fire (un-metered)	Reduced Pressure Zone Detector Assembly	2-1/2" & above	Adjacent to road right-of-way.	Above ground heated insulated enclosure only. Horizontal installation only.
High	Fire (metered)	Reduced Pressure Zone	2" & above	Within 15 feet of the water meter.	Above ground heated insulated enclosure only. Horizontal installation only.

		Assembly			

4) In such cases where the backflow prevention assembly cannot be installed within 15 feet of the water meter due to existing site conditions and conflicts a variance may be granted by the City of Asheville Water Resources Department to locate the backflow prevention assembly to the next best available site and provided further that the property owner may need to execute an Estoppels Certificate, binding upon tenants or occupants of the building and binding upon heirs and successors in title, which shall guarantee access to the backflow prevention assembly by the Water Resources Department during daytime business hours and restricting the owner, tenant, or occupant from tapping the plumbing line between the water meter and backflow prevention assembly for any purpose. Such Certificates shall be recorded in the Register of Deeds office in the County where the property is located. **Approval of this option will be on a case by case basis upon site visit/plans review by the City of Asheville Water Resources Department.**

5) All new construction plans and specifications, when required by the North Carolina Building Code and the North Carolina Department of Environmental Quality, shall be made available to the Director (or his/her designate) for approval, and to determine the degree of hazard, when in question.

6) Reduced pressure principle assemblies must be installed in a horizontal position and in a location in which no portion of the assembly can become submerged in any substance under any circumstances. Pit and/or below grade installations are prohibited unless otherwise approved in writing by the Director of the City of Asheville Water Resources Department.

7) Any installation of a backflow prevention assembly inside a building shall be at the point of delivery where the plumbing first enters the building. Backflow prevention assemblies must be **readily accessible for in-line maintenance and testing.** Adequate drainage must be provided in case of discharge when installing reduced pressure principle assemblies. The City of Asheville assumes no liability for property or other type of damage brought about by testing, repair or malfunctioning of a backflow prevention assembly installed inside a building structure.

8) No backflow prevention assemblies shall be installed in a manner by which it is subject to freezing. All backflow prevention assemblies installed outside shall be protected from freeze damage, by utilizing an approved heated insulated enclosure. Enclosures should meet ASSE 1060 standards as a minimum. However, systems such as lawn irrigation may be installed with unions for winterization removal.

9) Maximum working pressure for all backflow prevention assemblies is 175 psi. A pressure reducing valve (PRV) must be installed prior to the assembly if system pressure exceeds 175 psi. Pressure reducing valves or a single swing check as a minimum is recommended for all Reduced Pressure Principle Assemblies (RPZ). All RP assemblies 2" and larger, if not requiring a PRV, must have a UL (FM if on fire line) approved swing check valve installed prior to the backflow assembly.

10) All presently installed approved backflow prevention assemblies which do not meet the current installation requirements of this policy, but where approved or accepted at a time of original installation and which are being properly maintained, shall remain as installed until such a time the assembly is unrepairable or hazard changes. When it becomes necessary to replace the assembly, it must be replaced and installed in a manner consistent with the current standards set forth by this policy.

11) The customer shall, upon notification, install the appropriate containment assembly not to exceed the following time frame:

    a) High hazard .....30 days
    b) Moderate hazard.....60 days

H) TESTING AND REPAIR

1) Testing of backflow prevention assemblies shall be made by a certified backflow prevention assembly tester. Such tests are to be conducted upon installation and annually thereafter or at a frequency established by the City of Asheville's policy. A record of all testing and repairs is to be retained by the customer for a minimum of three (3) years. Copies of the test records must be provided to the Water Resources Department Backflow and Cross Connection Control office within ten (10) business days after

the completion of any testing and/or repair work. Failure to properly test and / or report test results shall be considered a violation of this policy.

2) Any time repairs to backflow prevention assemblies are deemed necessary, whether through annual or required testing, or routine inspection by the owner or by the Water Resources Department, these repairs must be completed within a specified time in accordance with the degree of hazard. In no case shall this time period exceed fourteen (14) business days.

3) All backflow prevention assemblies are required to be tested annually or at frequency established by the City of Asheville policy. Testing requires a water shutdown usually lasting five (5) to twenty (20) minutes. For facilities that require an uninterrupted supply of water, and when it is not possible to provide water service from two separate meters, provisions shall be made for a "parallel installation" of backflow prevention assemblies.

4) It shall be unlawful for any customer or certified tester to submit any record to the Water Resources Department, which is false or incomplete in any material respect. It shall be unlawful for any customer or certified tester to fail to submit to Water Resources Department any record, which is required by this Ordinance. Such violations may result in any of the enforcement actions outlined in Section XII, Enforcement.

I) FIRE PROTECTION SYSTEMS

1) All fire protection system connections with the public water system shall be protected with an approved backflow prevention assembly as required in this policy. All fire systems including those using chemical additives, booster pumps, facilities utilizing fire department connections (FDC), or buildings five stories or more shall be protected by an approved reduced pressure principle assembly at an approved location.

2) Installation of Double Check or Double Check Detector Assemblies for fire line connections is prohibited.

3) All unmetered fire lines shall have a detector meter with a remote reading device installed at the face of a building, enclosure or top of vault.

4) Private fire hydrants must be protected from backflow with a minimum approved double check assembly.

5) Residential fire sprinkler systems may require backflow protection depending on design and type of system. If a backflow prevention device is required it shall be installed within 15 feet of the meter on the fire line branch.

6) Pressure Reducing Valves (PRV) and swing checks shall be UL/FM approved when used on a fire line application.

J) IRRIGATION/SPRINKLER SYSTEMS

1) All irrigation systems shall be equipped with an above ground reduced pressure principle assembly.

K) CHEMICAL HOLDING TANKS & TANKER TRUCKS

1) No person shall fill special use tanks or tankers containing non-potable water, pesticides, fertilizers, other toxic chemicals or their residues from a public water system except at a location equipped with an overtherim free discharge of water or an approved reduced pressure backflow prevention assembly properly installed on the public water supply. No supplier of water shall permit the filling of such special use containers except at locations so equipped.

2) Any person, company, fire department or government agency or its designated representative desiring to fill tankers directly from the potable water supply shall secure a permit from the City of Asheville to do so. All tanker trucks must be inspected by the City of Asheville prior to the issuance of the permit. Permit shall be renewed on a yearly basis as a minimum. Filling of tankers shall only take place at locations approved by the City of Asheville.

L) ENFORCEMENT

1) The owner, manager, supervisor, or person in charge of any installation found out of compliance with the provisions of this Policy shall be notified in writing with regard to the corrective action(s) to be taken. The time for compliance shall be in accordance with Section VII & VIII.

2) The owner, manager, supervisor, or person in charge of any installation which remains in non-compliance after the time prescribed in the initial notification, as outlined in Section VII shall be considered in violation of this Policy, and may be charged, in accordance with, the Fees and Charges Schedule of the City of Asheville for Backflow and Cross-Connection violations. Said charge shall be made in writing specifying the nature of the violation and the provision(s) of this Policy violated, and further notify the offender that the charge for said violation is as set forth in paragraph (3) below and is to be paid to the City of Asheville at the Customer Service Division of the City of Asheville, located at 70 Court Plaza, Asheville, North Carolina, within thirty (30) days. If the penalty prescribed herein is not paid within the time allowed, the City of Asheville may initiate a civil action in the nature of a debt and recover the sums set forth in paragraph (3) below plus the cost of the action.

3) Any offender who shall continue any violation beyond the time limit provided for in the aforementioned notification shall be subject to a charge of $1000.00 per civil violation. Each day in which a violation of any provision of this Policy shall occur or continue shall constitute a separate and distinct offense.

4) If, in the judgment of the City of Asheville Water Resources Dept., any owner, manager, supervisor, or person in charge of any installation found out of compliance with the provisions of this Policy, neglects their responsibility to correct any violation, it may result in discontinuance of water service until compliance is achieved. Water service interruptions for non-compliance will result in a reconnection fee as presented in Schedule 1.

5) Failure of a customer or certified tester to submit any record required by this Policy, or the submission of falsified reports/records may result in a charge of $1000.00 per civil violation. If a certified backflow prevention assembly tester submits falsified records to City of Asheville Water Resources Dept., the City of Asheville shall take the necessary actions to revoke certification to test backflow prevention assemblies within the potable water system for a time period not to exceed one (1) year. The tester will then be required to complete an approved certification course to acquire a new certification. Falsification made to records/reports after becoming re-certified shall result in the permanent revocation of backflow testing certification, in addition to monetary charge (as stated herein).

6) Enforcement of this program shall be administered by the Water Resources Director or his/her authorized representative.

7) Requests for extension of time for installation shall be made in writing to the Director of the Water Resources Department or his/her authorized representative. All other appeals shall be made in accordance with the following procedures:

   a) A customer assessed a penalty charge under this section shall have the right to appeal the charge to the Director of the Water Resources Department upon making written demand, identifying the specific issues to be contended, to the Director of the Water Resources Dept. within 30 days following written notice that a charge is being levied for violation of this policy.
   b) Unless such demand is made within the time specified herein, the customer or certified tester relinquishes all appeal rights.
   c) The appeal decision by the Director of the Water Resources Department shall be final and binding.

8) Official Record: When a final decision is issued under Section (c) above, the Water Resources Department staff shall prepare an official record of the case that includes.

   iv) All notices sent to the customer and/or certified tester
   v) A copy of all documentary evidence introduced
   vi) A copy of the final decision by the Director of the Water Resources Department shall be sent by certified mail to the customer and/or certified tester
   vii) A copy of all documentation shall be maintained in a file designated by the customer and/or certified tester name

VII. FIRE PROTECTION SERVICE

A. Public Fire Hydrants

Location of Hydrants: Water used for public fire protection shall be delivered through fire hydrants. Hydrants shall be located and installed on the Water System in accordance with the Asheville Water Engineering Standard Specifications.

B. Private Fire Protection

1. General: Private protection may be provided from the Water System through Connections supplying sprinklers, standpipe, water spray, foam, yard hydrant and other fire protection systems. All Connections to a fire protection system shall extend from the Water System directly to the Customer's fire protection system and shall be used exclusively for the fire protection system with no intermediate Connections for any other domestic use.

2. Fire Protection Systems:

a. When a Customer's Water System includes a fire prevention or fire protection system, the Customer shall install and maintain an approved backflow protection device. The type and location of this device shall be as approved by the Water Resources Water Engineering Division during the required plan review process.

b. When a Customer's Water System includes a private fire hydrant located in excess of fifty feet (50') (as measured by distance in feet of pipe) from a Connection, the Customer shall install and maintain a Double-check Valve Assembly with a detector meter at a location approved in writing by the Director.

(1). Should the Director have cause to believe that water is being used through a Connection serving a fire protection system or hydrant for purposes other than fire protection (including unrepaired leaks), and the Customer's Water System is not equipped with a detector-check valve, then the Director may cause a detector check valve or meter to be installed in Customer's Water System at Customer's expense.

3. Fire Line Meter: All new fire lines must be metered unless a detector check meter is approved by the Director based upon property location and/or property size, e.g. existing buildings in Central Business District. If a Customer fails to properly maintain a detector-check valve, a detector-check valve is ineffective in detecting water usage, or water is being conveyed to the Customer's fire protection system or hydrant is used for other purposes than fire protection, the Director shall cause the installation of a fire line meter, approved by the Director, on Customer's Water System at Customer's expense.

4. Approval: Any and all detector-check valves or fire line meters and their location of installation shall be approved in writing by the Director.

5. Private Fire Protection Charges: Except as noted below, any fire protection service that is provided through a metered or unmetered connection shall be subject to an annual charge, payable monthly or bi-monthly based upon customer billing cycles with monthly or bi-monthly charges being equal payments totaling the annual fireline charge. The charges for various sizes of Connections for a fire protection system or hydrant are listed in Schedule I attached hereto. In addition to the annual fire protection charge, those Customers with metered Connections shall pay the standard water rate for water consumption, depending on the size of the Connection, including the minimum monthly charge and the graduated rates set forth in Schedule I attached to these Policies The only exception to this annual fireline charge are residential sprinkler systems supplied by ¾-inch or smaller water meters. There will not be an annual charge for these systems.

VIII. CONNECTION AND SERVICE FEES

A. Initial Fees

1. Service Charge (Account Set-up Fee): A non-refundable service charge in the amount set forth in Schedule I shall be paid when a new water service account is opened for a Customer by the City. The City may open a new water service account whenever a new Customer applies for water services or an existing Customer applies for water services at a Premises other than the Premises where the Customer then receives water services. Payment of the service charge shall be made at the time a new account request is initially made, to defray the administrative costs in setting up the Customer's account.

2. Effective Period: An approved application for water service, validated only by payment of the application fee and/or service charge, is valid for only sixty (60) days after the date approval is issued. To validate the approval beyond sixty (60) days, the Applicant must begin using the water service, or must pay all connection fees and applicable development fees for a new service line.

B. Fees for New Connections and Developments

1. New Connection Fee: A non-refundable fee in the amount set forth in Schedule I shall be paid for each new Connection to the Water System to defray the costs of the physical installation of the Connection. A Premises where a stub-out Connection in good repair and has been previously authorized by the City and installed under Section IV.B.9. of these Policies, the new Connection fee shall be a "Meter Drop-In" Fee as specified in Schedule I. For all other new Connections, the Connection Fee shall be as specified in Schedule I which shall include the cost to set and install the meter, meter box, meter yolk and setter, Service Line pipe, and service tap on the Water System.

2. Development Fee: In addition to a new Connection fee, a non-refundable development fee in the amount set forth in Schedule I shall also be paid by a Customer for a new Connection. This fee is used to contribute to the expenses incurred for the development and rehabilitation of water system assets, which are critical for the contemporaneous and current production and delivery of water, and provision of water services. Water system assets which are critical for the contemporaneous and current production and delivery of water and provision of water services include, but are not limited to: transmission lines, production facilities, storage reservoirs, and distribution system pump stations. These fees will also be used, in combination with other system asset projects, which assets are likewise critical for the contemporaneous and current production and delivery of water, and provision of water services.

C. Establishment of Fees

1. Annual Review: The fees and charges set forth in these Policies shall be approved by the City Council meeting in full session. The charges set forth herein shall be reviewed on an annual basis by the City.

2. Collection: The Director may enforce payment of an account by discontinuing water service to a Customer at any and all Premises of the Customer without regard to the occupancy of the Premises, regardless of whether service has been terminated. If an account remains unpaid for forty-five days from the date of the first billing, the Director on behalf of the City may institute appropriate legal proceedings to collect from a Customer any arrearage on the Customer's account.

IX. CUSTOMER SERVICES

A. Application For Service

1. General: Application for water service shall be made on forms prescribed by the Water Resources Director. An application for water service shall be made in the name of and signed by the Customer or the Customer's duly authorized agent. Existing or new accounts must be in the name of a living person or an existing business. Accounts shall not be established in the name of an estate. If a landlord has three (3) delinquent tenants, applications for service and the account must be in the name of the landlord.

2. Denial of Service for Non-Payment of Prior Accounts: The Director may reject an application for service if there is any outstanding amount due the City by an Applicant. An Applicant shall not be refused service solely because an outstanding amount is owed the City by another Customer for service previously furnished to an Applicant's Premises.

3. Service Charges (Account Set-up Fee): Each Applicant for water service shall pay a service charge, or Account Set-up Fee, for setting up the Applicant's account in the amount set forth in Schedule I attached to these Policies.

4 Deposit: Each new service will be assessed a refundable deposit as indicated in Schedule 1. The deposit can be waived for evidence of good credit as follows:
   a. Good payment history with the City of Asheville from a prior account.
   b. Good credit history with another utility (no late payments for 2 years).
   c. Satisfactory online credit check.

The deposit is refundable as a credit on the account after two years of satisfactory payment history (no late payments). If the account is terminated in the first two years with no late payments, the deposit will be applied to the final bill and any excess will be refunded to the account holder.

B. Rates

1. Establishment of Rates: The City shall review the water rates, fees and charges at least once each year. Billing charges shall be at a specific unit rate for a particular category of Customer or specified block of use and calculated on the basis of the amount of water consumed together with a monthly or bi-monthly billing charge.

2. Minimum Monthly or Bi-Monthly Base Fee: All Customers shall pay a base fee as is set forth in the rate schedule adopted by the City of Asheville annually to recover direct billing and collection costs.

C. Meter Reading and Determination of Charges

1. Generally: Meters will generally be read monthly or bi-monthly, and bills rendered accordingly. The City reserves the right to vary this schedule if necessary or desirable in its sole discretion.

2. Two Meters on Premises: Residential customers shall have only one domestic meter per Premise.

3. One Account: Readings from different meters for different Premises shall not be combined into one account for billing purposes.

4. Two or More Renters Served by Same Meter: If two or more rental units are served by the same meter, the utility account must be placed in the owner's or management company's name.

D. Combined Utility Statement

1. Due Date: Payment of bills are due within twenty (20) days from the date of billing and shall become delinquent one (1) day thereafter. If it becomes necessary for the City to institute suit to recover a delinquent account, as provided in Section VIII.C.2 of these Policies, the Customer shall pay the City's reasonable attorney's fees.

2. Billing Address: Bills for water service will be sent to the address specified by the Customer. Mailing of a bill for water service to an address other than the Premises shall not affect the power of the Director or the City to enforce payment of charges by discontinuing service to the Premises.

3. Place of Payment: Water Resources Department employees are not authorized to accept payment for water service at the Premises. Payments shall only be made in the usual

course of business at the City of Asheville Customer Services Collection window, located on the first floor of the City Hall Building in Asheville, any other designated location, through the customer's bank, via telephone, or online. The City of Asheville Water Resources Department does not approve any third party payment centers.

3. Return Check Policy: Any customer who has two (2) or more personal checks returned for insufficient funds during any 24 month period will be suspended from check writing privileges for a minimum of two-years from the month the last returned check was processed. During this suspension period the customer may pay with cash, certified check, money order or credit card. Any returned check for insufficient funds will be assessed a processing fee in the amount approved by City Officials or the maximum amount allowed by law.

4. Credit Card Charges: Customers paying their bill using a fraudulent credit card and the credit card company reclaims the payment will be declared delinquent and their water account will be terminated. The customer is responsible for any additional charges related to the fraudulent payment.

5. Transfer of Balances on Closed-Out Accounts: Once an account is closed-out, and the balance is not paid by the due date, the balance is to be transferred to another active account held by and in the same name of the account holder. If the customer does not have another active account, the account will be sent to the Debt-Set-Off Program and/or Collection Agency as is appropriate.

6. Delinquent Fees: Combined Services Statements that are not paid within 21 days shall be assessed a delinquent fee as identified in Schedule I. If the customer has a good payment history the delinquent fee may be waived at the discretion of the Director one time per each 24 month period.

E. Billing Adjustments

1. Account Adjustments: Except as set forth in the following Section E. 2. accounts will be adjusted only when an error occurs in a Customer's account not caused by or related to any act or omission of the Customer.

2. Leakage Adjustments: Billing charges may be adjusted by the Water Resources Department, with the approval of the Water Resources Director, if the meter registers water usage not actually consumed because of a leak on the Customer's side of the meter. If there is no fault on the part of the Customer precipitating the leakage, a billing adjustment not to exceed seventy-five percent (75%) of all water usage above normal usage for up to two (2) billing cycles may be made for underground leaks. Adjustments will be calculated on the basis of a minimum four-month average. Toilet leak adjustments shall not exceed fifty percent (50%) for any adjustment. Any adjustment is conditional upon a repair of the leak by the Customer within thirty (30) days of the leak detection. Leak detection is defined as physical observation of leak, 50% above normal consumption, or usage greater than 100 ccf above average. Failure of the Customer to make needed repairs within these guidelines will void any requests for adjustment. Customer requests for billing adjustments due to a private side leak must be made in writing with proof of repair within 45 days of leak repair. Billing adjustments will be limited to a maximum of two (2) such adjustments over any twenty-four month billing period. Any exception to this policy must be approved in writing by the Water Resources Director or his/her designee.

3. Adjustments for Billing Inaccuracy: If a meter measuring a Customer's Water Supply is determined to be inaccurate by the Water Resources Department, then the Director may cause the adjustment period (not to exceed two (2) years) of a Customer's bill affected by an inaccurate meter by the recalculation of the Customer's bill for water service during the Adjustment Period by use of the Customer's Normal Water Usage as defined in Section IX.E.2. If it is determined that a meter is stopped or meter reading is inaccurate due to an open bypass, the Director may direct that the account be debited for the estimated usage

during the time the meter was stopped. If an incorrect rate for fixed fees has been charged, the adjustment period shall not exceed two (2) years.

4. Benefit of Doubt Adjustments: If the Water Resources Department or the Director cannot determine the cause or reason for a requested billing adjustment, then the Director may adjust a Customer's bill in such amounts as he deems reasonable under all circumstances, but not less than a charge based on a Customer's Normal Water Usage as that term is defined in Section IX.E.2 above, and for a period no longer than two billing periods of the Customer. A Benefit of Doubt Adjustment is limited to one adjustment over the lifetime of the account.

5. Appeals: An appeal of the decision to adjust or not adjust an account will require a written request for consideration and will include any pertinent information related to the circumstances affecting the account. The Water Customer Services Division Manager shall be the first level of review. The appeal may be elevated to the Director of Water Resources if the customer is not satisfied with the decision of the Water Customer Services Division Manager. The Director's decision on the billing adjustment shall be final without any further appeal.

F. Termination or Interruption of Service

1. Grounds for Termination: Water Service for accounts identified as medical alerts, nursing homes, or other medical facilities may be interrupted at the discretion of the Director. The Director may terminate water service of any kind for any of the following reasons:

a. Failure of the Customer to pay in full any charges due the City in excess of fifteen (15) days from the due date, if the outstanding balance is greater than $65.00 for residential or commercial customers. Commercial customers with a balance over $300.00 will receive a courtesy phone call.

b. Prevention of fraud, damage, destruction, or abuse of the Water System or the Water Supply or possible injury or damage to Customers, Consumers or other Persons; or

c. Failure of the Customer or Consumer to comply with any of the provisions of these Policies, applicable laws and regulations, or other rules of the City;

d. Failure of the Customer to comply with terms of a Customer Payment Pan.

e. There exists a past-due and unpaid balance for service incurred by another person who resides with the customer after service has been provided to the customer's household and one or more of the following apply:

i. The customer and the person were members of the same household at a different location when the unpaid balance for service was incurred; or

ii. The person was a member of the customer's current household when the service was established, and the person had an unpaid balance for service at that time; or

iii. The person is or becomes responsible for the bill for the service to the customer.

f. The Customer's Water System shall be maintained in good condition and repair. The Director shall have the right to discontinue service to any Premises wherein the Customer's Water System is not maintained in good condition and repair.

2. Notice of Service Termination: When grounds exist for the termination of water service to a Customer, the Water Resources Department shall mail or deliver a notice ("Notice of Service Termination") to the last known address, or email address of the Customer stating:

a. The grounds for the proposed termination and the action the Customer must take to avoid termination of service, and if the Customer's account is delinquent it shall be subject to a penalty as specified in the current Schedule I;

b. If payment of all or a portion of an amount due from the Customer was made by check or credit card which was dishonored, the Customer shall be subject to a service charge set forth in Schedule I attached hereto and is immediately eligible for cut-off for non-payment;

c. The Customer is entitled to a hearing prior to the service termination date before a representative of the Water Resources Department on a date, time and at a specified address or telephone number if there is any dispute over the grounds for termination;

d. Unless the grounds for termination are eliminated or resolved before the service termination date, water service may be terminated without further notice. The service termination date stated in the notice shall be a minimum of fifteen (15) days from the due date;

e. In any case in which water service has been terminated because of a failure to pay a delinquent account or charge, non-compliance with these Policies, or at the request of the Customer (except an emergency request not caused by an act or omission of the Customer), water service from the Water System shall not be reinstated until any delinquent account or charge is paid in full or arrangements for payment are made satisfactory to the Director, and the emergency or non-compliance, if any, no longer exists or is corrected. The Customer shall also pay the service charge (Disconnect/Reconnect Fee) set forth in Schedule I attached hereto before the Customer's water service is reinstated.

f. In any case in which water service has been terminated because of a failure to pay a delinquent account or charge, the Director may require that in order to continue service, a customer must agree to be liable for the delinquent account of any other person who will reside in the customer's household after the customer receives the service, if one or more of the following apply.

i. The customer and person were members of the same household at a different location when the unpaid balance for service was incurred; or

ii. The person was a member of the customer's current household when the service was established, and the person had an unpaid balance for service at that time.

3. Emergency Termination: When in the opinion of the Director there exists either imminent danger to the Water Supply, Water System, the public, or an unauthorized use of the Water Supply and/or Water System, the Director may terminate water service without any notice to the Customer or Consumer. Provided, however, reasonably soon after termination, the Director shall send the Customer a letter by First Class Mail to Customer's last known address stating the grounds for emergency termination. The Customer may request a hearing as set forth herein; however, water service will not be reinstated until approved by the Director in accordance with these Policies.

4. Termination Hearing: A hearing may be requested in writing by the Customer. The hearing

shall be held by telephone or, at the request of the Customer, in person with a designated representative of the Water Resources Department. The hearing shall be conducted informally. The Customer shall be given a reasonable opportunity to present information that reasonably related to the grounds for the proposed termination. At the hearing the Customer shall have the burden of proving that grounds do not exist for termination of water service.

5. Stay of Termination Pending Hearing Outcome: Except for Emergency Termination described in Section IX. F.3., if a Customer makes a written request for a hearing before the service termination date stated in the Notice of Service Termination and a hearing is held within five (5) business days of the request, termination of water service to the Customer shall not occur until at least three (3) days after the written decision is sent to the Customer. As soon as reasonably possible after the hearing, the representative conducting the hearing shall inform the Customer in writing of the decision and the reasons there of. If one of the grounds for the proposed termination is the failure to pay an account, the Customer may also be informed that unless the account is paid in full within three (3) days after the notice is served, or unless appropriate arrangements for payment are made, water service will be terminated. The decision may be served upon the Customer personally or mailed by certified mail, return receipt requested to Customer's last known address. If the Customer, following a hearing, fails to comply with the decision within three (3) days from the date the decision was sent to the Customer or within any time specified in the decision, or fails to file a complaint with the Director as provided in Section XI.B., then water service may be terminated without further notice.

6. Procedure for Service Termination: Water service termination shall be effected only by authorized agents of the Water Resources Department.

7. Denial of Reinstatement: If a Customer or Consumer has permitted or engaged in fraudulent misuse or abuse of the Water System or Water Supply, the Director may deny water service reinstatement under such terms and conditions as the Director deems appropriate.

8. Termination at Customer's Request: A Customer may request in writing or by telephone, if account information is verified by Customer Service Representative. The request shall be delivered to the Water Resources Department at least two (2) business days before the Customer desires termination. The Customer shall be responsible for all water services provided up to the time service is discontinued.

9. Medical Alert Customer: When a Customer notifies the Water Department in writing that a resident of the premises where the Customer's service is provided has a medical condition for which the termination or interruption of water service will result in threatening the life of that resident, the Director shall request that the Customer complete a Medical Alert Form satisfactory to the Director. The form shall require reasonable information about the medical condition of the resident certified by a medical doctor. It shall also include the resident's name, medical doctor's name and address, type of treatment required at the premise, a description of equipment used at the premises which requires water service, and the frequency and quantity of water required at the premises for care and treatment of the resident. The Customer and the resident requiring medical treatment shall also sign the Form. The Form shall grant permission for the City's medical officer to obtain from any and all medical providers of the resident any and all information regarding the resident's condition. If the Director determines the request is valid; the account shall be identified as a medical alert account for purposes of terminating water service. If a medical alert account becomes delinquent the Director shall act as follows before terminating water service for non-payment in accordance with these Policies:

   a. Attempt to contact the Customer by telephone and/or personal visit within ten days after the account first becomes delinquent to inform the Customer that delinquent balance is due on the Customer's account. If contact is not made within the ten (10) day period, a written statement shall be sent to the Customer.
   b. The Director or his/her designee shall also provide information to the customer of

community services in the region that may be able to provide counseling or financial assistance to help the Customer pay their account.

c. Permit the Customer to execute a written payment contract which, as part of the terms, shall require immediate payment of 25% of the delinquent balance of the account or $50, whichever is less, and shall permit payment of the balance due on the account within a period of up to six (6) months (the Director may extend the payment period in his/her discretion) and payment of all current charges which come due during the contract period. The payment contract shall include a commitment by the Customer to seek financial counseling or assistance. The payment contract may be amended once during its term in the discretion of the Director.

d. If any of the terms of the payment contract are breached, a water service cut-off date shall be mailed to the Customer by first class mail at least fifteen (15) days prior to the cut-off date, with a copy of the notice to the resident's medical doctor identified in the Medical Alert Form. The notice may also state the minimum payment (in accordance with the payment contract) which must be received by the cut-off date to avoid termination of water service.

e. The Director may require any active Customer with a medical alert account to complete a new Medical Alert Form annually.

10. Damage to or Tampering with the Water System:

Any damage to or tampering with the Water System, including, but not limited to, unauthorized connections to the Water System may result in the assessment of penalties in accordance with Schedule I if it is determined by the Director, in his sole discretion, that the damage to or loss of the water system was the result of an intentional, willful or grossly negligent act of the Customer. This remedy is in addition to any other remedies available to the City in law or equity.

11. Customer Payment Plan:

Customer may request a payment plan for unusually high Combined Service Statements. Payment plans may be made for up to six months with approval by the Director. Failure by the customer to meet payment plan will result in immediate termination of water service until payment is made in full. Customer may have no more than two payment plan delinquencies within any 24 month period (failed to meet payment plan). Customer will not be eligible for another payment plan for 12 months from date of second delinquency.

X. WATER SHORTAGE RESPONSE PLAN

The procedures herein are written to reduce potable water demand and supplement existing drinking water supplies whenever they are in danger of being inadequate to meet customer needs.

A. Authorization:

The City Manager of the City of Asheville is authorized to enact water shortage response provisions whenever the trigger conditions outlined in Section D. are met. The Manager will be advised by the Water Resources Director about the status of the water supply and the need to implement the water shortage provisions. In the absence of the Water Resources Director, the Water Production Division Manager will assume this role. Contact information for the Water Resources Director and Water Production Division Manager is presented below.

Water Resources Interim Director
City of Asheville
PO Box 7148
Asheville, NC 28802
Phone: (828) 259-5955
Email: dmelton@ashevillenc.gov

Water Production Division Manager
City of Asheville
PO Box 7148
Asheville, NC 28802
Phone: (828) 271-6101
Email: lcarreiro@ashevillenc.gov

B. Notification:

The following notification methods will be used to inform water customers and system employees that the WSRP Voluntary Phase I has been enacted: (1) System Employees – email(s) and/or division meeting(s)

and (2) Water Customers – local / regional media announcement(s) via press release(s) issued by the City, posting(s) on the City of Asheville Water Resources homepage at www.ashevillenc.gov/departments/water, and/or mailing(s) in the utility bills. City of Asheville Wholesale Customers will be notified via telephone, fax, email, and/or certified letter. The method(s) of notification will be determined by the Water Resources Director and/or the Water Production Division Manager, and will be timely and appropriate for the shortage situation.

The following notification method(s) will be used to inform water customers of Phase II Mandatory response measures: (1) System Employees – email(s) and/or division meeting(s); (2) public notification using local / regional media announcement(s) via press release(s) issued by the City, viable customer notification system; and/or (3) on the City of Asheville Water Resources homepage at www.ashevillenc.gov/departments/water. In Phase III, declarations of rate surcharges (emergency water restrictions) will be communicated to all water customers using one or a combination of the methods referenced above. City of Asheville Wholesale Customers will be notified via telephone, fax, email, and/or certified letter to alert them of this declaration. Each of the Wholesale Customers will be required to implement the same level of restrictions as implemented by the City of Asheville.

C. Levels of Response:
The City of Asheville Water Resources Department has three levels of water shortage responses, which are: (1) Voluntary Reductions, (2) Mandatory Reductions, and (3) Emergency Restrictions (Surcharge). The established water rates for all customers are available from a Customer Service representative and can be found on the Water Resources Department Homepage at www.ashevillenc.gov/departments/water under the section titled "Water Rates & Fees". A description of each response level and corresponding water reduction measures are outlined in Table 1 below:

Table 1: Description of the water shortage response levels.

Phase	Response	Description
I	Voluntary	Water supply conditions indicate a potential for shortage. Water users are encouraged to reduce their water use and improve water use efficiency; however, no penalties apply for noncompliance.
II	Mandatory	Water supply conditions are significantly lower than the seasonal norm and water shortage conditions are expected to persist. Water users must abide by required water use reduction and efficiency measures; penalties apply for noncompliance.
III	Rate Surcharges (Emergency)	Water supply conditions are substantially diminished and pose an imminent threat to human health or environmental integrity. Remaining water supplies must be allocated to preserve human health and environmental integrity.

In Phase I: Voluntary, all water customers will be asked to reduce their normal water use by 5%. Water use is printed on all water utility bills, so water customers know how much water they typically use and are able to calculate how much a 5% reduction would be for their household / business. Water customers may also contact Customer Services at (828) 251-1122 to find out their consumption history. Customer Service representatives can suggest ways to conserve water. At any time, Water Resources staff may analyze any water customer's consumption to see if they are reducing their water consumption by the suggested amount. Local / regional media announcement(s) via press release(s) issued by the City, posting(s) on the City of Asheville Water Resources homepage at www.ashevillenc.gov/departments/water, and/or mailing(s) in the utility bills will be used to encourage water conservation and efficiency measures including, but not limited to: irrigating landscapes a maximum of one inch per week; preventing watering of impervious surfaces; washing only full loads in the clothes and dish washers; taking shorter showers; and repairing water leaks. By implementing these reduction measures, the Water Resources Department would expect a reduction in water usage by 2% and would increase production at the Mills River Water Treatment Plant by an additional 3 MGD.

In Phase II: Mandatory, all water customers are expected to reduce their water use by a total of 10% in comparison to their previous water bill. Water use is printed on all water utility bills. Water customers are able to calculate how much a 10% reduction would be for their household / business. Water customers may also contact Customer Services at (828) 251-1122 to find out their consumption history. In addition to continuing to encourage all voluntary reduction actions, all non-essential uses of drinking water are banned. Garden / landscape irrigation must be reduced to the minimum amount necessary for survival; outdoor use of drinking water for washing impervious surfaces is prohibited; and all testing / training requiring drinking water (i.e. fire protection) will be limited. At any time, Water Resources staff may analyze any water customer's consumption to see if they are reducing their water consumption by the required amount. Local /

regional media announcement(s) via press release(s) issued by the City; posting(s) on the City of Asheville Water Resources homepage at www.ashevillenc.gov/departments/water; and/or mailing(s) in the utility bills will be used to encourage mandatory reductions.

In Phase III: Rate Surcharges (Emergency), all water customers are expected to continue all actions from previous phases and reduce their water use by a total of 25% compared to their previous water bill. Water use is printed on all water utility bills. Water customers know how much water they typically use and are able to calculate how much a 25% reduction would be for their household / business. Water customers may also contact Customer Services at (828) 251-1122 to find out their consumption history. In Phase III, a ban on all use of drinking water except to protect public health and safety is implemented, and Rate Surcharges will be added at $1.40 per CCF (1 CCF = 748 gallons) in addition to the established water rate(s) on the current fee schedule. At any time, Water Resources staff may analyze any water customer's consumption to see if they are reducing their water consumption by the required amount. Local / regional media announcement(s) via press release(s) issued by the City; posting(s) on the City of Asheville Water Resources homepage at www.ashevillenc.gov/departments/water; and/or mailing(s) in the utility bills will be used to encourage emergency reductions.

The goal of Phase III. is to provide drinking water to protect public health (i.e. residences, residential health care facilities and correctional facilities). In Phase III., all customers are restricted to using water at the minimum required for public health protection. Firefighting is the only allowable outdoor water use. If it becomes necessary to distribute potable water, the details will be announced through the City of Asheville Emergency Operations Center.

D. Triggers:
When the following specific triggers are met, the authority or authorities listed in Section A. will enact water shortage response provisions. Triggers and examples for the City are provided below in relationship reservoir system:

1. The City as a Reservoir System
The City's primary water source consists of two reservoirs. The phases of drought correspond with the lake elevation at the reservoir supplying the North Fork Water Treatment Plant. Burnette Lake has a full pool elevation of 2,601.4 feet. A list of each phase and the corresponding trigger and change in action are outlined in Table 2a below:

Table 2a: Description of triggers and associated change in action.

Phase	Lake Elevation / Feet Below Full Pool	Change In Action
I	2,572 / 29	Overall 2% reduction in demand; Mills River WTP increase production by 3MGD
II	2,571 / 30	Overall 4% reduction in demand
III	2,570 / 31	Over all 6% reduction in demand

The Water Resources Department will move from more conservative restrictions as water supply conditions improve as outlined in Table 2b below:

Table 2b: Description of less restrictive conservation levels based on lake level increases.

Phase	Lake Elevation / Feet Below Full Pool	Change In Action
III to II	2,571 / 30	Move from Phase III to Phase II when the lake level reaches 2,571
II to I	2,572 / 29	Move from Phase II to Phase I when the lake level reaches 2,572
I to none	2,601.4 / 0	No water use reduction when the lake reaches full pool

2. The City as a Run-of-River System
The City's Mills River Water Treatment Plant is only limited by the amount of water it can produce. The State has evaluated and approved this plant for a filter rate of 6.5 gpm / ft^2, which equates to

approximately 7.5 MGD. The plant has unlimited supply from the French Broad River.

E. Enforcement and Penalties:
The Water Policies call for a Rate Surcharge of $1.40 per CCF (1 CCF = 748 gallons) in addition to the established water rate(s) on the current fee schedule. The provisions of the Water Shortage Response Plan will be enforced by the City of Asheville Water Resources and Police Departments. Violators may be reported by calling Customer Services at (828) 251-1122 or by contacting the authority or authorities listed in Section X.A. via mail, telephone, and/or email. Penalties are assessed depending on the water shortage level as outlined in Table 3 below.

Table 3: List of the water shortage level and associated penalty.

Phase	1st Violation	2nd Violation	3rd Violation
Voluntary	None	None	None
Mandatory	Warning	$250	Discontinuation of Service
Rate Surcharges (Emergency)	$250	Discontinuation of Service	Discontinuation of Service

Penalties will be enforced consecutively from one phase to the next.

F. Public Comment:
The Water Shortage Response Plan was reviewed by the State and determined to be compliant with applicable laws and regulations. It was published on the Water Resources Department webpage at www.ashevillenc.gov/departments/water for public review and comment. The public may address all comments to the contact(s) listed in Section A. of this plan. Public comment(s) will be considered but not necessarily implemented as determined by Water Resources staff.

The final plan will be incorporated into the Water Policies and considered in open session of the Asheville City Council. The plan will be available for review prior to the meeting at the Water Resources Department webpage, www.ashevillenc.gov/departments/water. Adoption of the Water Policies by the City Council will begin the implementation of this plan.

G. Variance Protocols:
Customers must request water restriction variances in writing to the Water Resources Director. A decision to approve or deny individual variance requests will be determined within two weeks of submittal after careful consideration of the following criteria: medical and/or health care requirements, impact on water demand, expected duration, alternative source options, social and economic importance, purpose (i.e. necessary use of drinking water) and the prevention of structural damage. The Water Resources Director will notify the customer in writing of the decision to approve or deny the water restriction variance request.

H. Effectiveness:
The effectiveness of the City's Water Shortage Response Plan will be determined by comparing the stated water conservation goals with observed water use reduction data. Consumption data will be tracked and analyzed at least every 30 days to measure the plan effectiveness. Other factors to be considered include frequency of plan activation, any problem periods without activation, total number of violation citations, desired reductions attained, and evaluation of demand reductions compared to the previous year's seasonal data.

I. Revision:
The Water Shortage Response Plan will be reviewed and revised as needed to adapt to new circumstances affecting water supply and demand, following implementation of emergency restrictions, and at a minimum of every five years, as required by the provisions of G.S. 143-355 (l). Further, an ad hoc Water Shortage Response Planning Work Group will review procedures following each Rate Surcharge (Emergency) phase to recommend any necessary improvements of the plan to the Water Resources Director. The Water Resources Director is responsible for initiating all subsequent revisions. Once the director initiates revisions to the plan, the Asheville City Council will review and adopt the updated plan in open session.

XI. HEARING AND APPEAL PROCEDURES

A. General

1. Application of this Chapter: Except as otherwise provided in these Policies, the hearing and appeal procedures established by this Section shall apply to all complaints concerning the interpretation, application or enforcement of these Policies.

2. Not Applicable: The hearing and appeal procedures established by this Section XI shall not apply to the following complaints:

   a. Complaints arising out of contracts other than those between the City and its Customer;

   b. Complaints arising out of requests for billing adjustments;

   c. Complaints which arise with regard to personnel matters, which complaints shall be governed exclusively by the City's Personnel Rules as the same may be amended from time to time; and

   d. Any other complaint which does not concern the interpretation, application, or enforcement of these Policies or Water Resources Department practices.

B. Initial Complaint

1. Presented to Director: Complaints concerning the interpretation, application or enforcement of these Policies or practices must be presented in writing to the Director, providing the name and address of the complainant and a detailed description of the grounds for the complaint.

2. Informal Resolution: Upon receipt of a complaint, the Director, after a full and complete review of the allegations contained in the complaint, shall take such action as may be warranted and shall notify the complainant of the action taken by first class mail within fifteen (15) days after receipt of the complaint. The Director shall also notify the complainant of his/her right to appeal and the procedure for appeal. A copy of the Director's response shall be promptly provided to the City Manager.

C. Review by City Manager

1. Application for Hearing: Except as otherwise provided in these Policies, a complainant may appeal a decision of the Director by making a written request to the Director for a formal hearing by the City Manager within fifteen (15) days after the date of mailing the complainant the Director's decision.

2. Formal Hearing: The City Manager shall conduct a hearing within 30 days after receipt by the Director of a complainant's request for a formal hearing. In the event the complaint involves a proposed termination for non-payment, the complainant shall be provided a statement of his current account prior to the date of the hearing.

3. Procedure for Hearing: At the hearing, the complainant and a representative of the Water Resources Department shall be permitted to appear in person. The complainant may be represented by any person of their choice or by legal counsel. The complainant or his/her representative and the Water Resources Department representative shall have the right to present evidence in support or in opposition to the subject matter of the complaint. The City Manager may receive and consider any evidence which has probative value commonly accepted by reasonable and prudent persons in the conduct of their affairs.

4. Weight of Evidence: The City Manager shall determine whether reasonable grounds exist to support the interpretation, application and/or enforcement of the Policies or practices which are the subject matter of the complaint and, if such grounds exist, whether said interpretation, application or enforcement should be undertaken in the particular case, with due consideration for any extenuating circumstances as may exist. The City Manager's decision shall be based upon evidence presented at the hearing. The burden of showing that reasonable grounds exist to support the action shall be upon the Water Resources Department. The burden of showing sufficient extenuating circumstances shall be upon the complainant.

5. Policies: The City Manager, while having the right to correct errors, interprets rules and regulations, makes adjustments and otherwise does equity, shall not have the authority to alter or make any finding contrary to these Policies as the same may from time to time be constituted.

6. Order: Subsequent to the hearing, the City Manager shall make written findings and a decision disposing of the matter and shall provide the complainant a copy of such decision by certified mail within fifteen (15) days after the date of the hearing. The decision of the City Manager shall be final.

XII. INTERRUPTION OF SERVICE

A. General

The City of Asheville will make reasonable efforts to avoid interruptions of service but does not guarantee to the Customer any fixed pressure or continuous service. When service interruptions occur, service will be reestablished within the shortest reasonable time practicable, consistent with safety.

In connection with the operation, maintenance, repair and/or extension of the Water System, the water supply may be shut off without notice, when necessary or desirable; and each Customer must be prepared for such emergencies.

Planned interruptions, where practical, will be made at times that will not cause unreasonable inconvenience to Customers and reasonable efforts will be made to give prior notice to Customers who will be affected. Failure to notify a Customer of such interruption, however, shall not be grounds for damages.

B. Pressure Fluctuations

Fluctuations in water pressure will occur within the Water System from time to time and a Customer should take such precautions as he or she deems necessary to avoid any inconvenience or damage to the Customer's Water System. Customers are encouraged to maintain their private plumbing systems in proper operating conditions, including having a properly functioning private pressure reducing valve(s) to protect their home plumbing from pressure fluctuations. The City of Asheville shall not be liable for any damages to a customer's plumbing or property caused by high pressure, low pressure, or by fluctuations in pressure in the City's water mains.

XIII. ISO 14001:2015 / SAFETY POLICIES AND PROCEDURES

A. The City of Asheville Water Resources Department is ISO 14001 Registered by a third party organization. Contractors are expected to abide by the ISO 14001:2015 Standard while working for or on behalf of the City. Contractors are also expected to abide by all local, state, and federal laws and regulations while conducting business for or on behalf of the City.

B. Water Resources staff may inspect any Water Resources job site at any time. If a job site is found out of compliance with the ISO 14001:2015 Standard or any local/state/federal law, it shall be shut down until the job site is brought in compliance.

C. The Director may be contacted for any disputes.

XIV. WATER ENGINEERING STANDARD SPECIFICATIONS AND DETAILS: Refer to the Water Resources Water Engineering Standard Specifications and Details for more requirements.

ORDINANCE NO. 4684

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 24th day of July, 2018.

Magdalen Burleson
City Clerk

Esther Manheimer
Mayor

Approved as to form:

City Attorney

PURPOSE: To repair Parks & Recreation Facilities damaged by recent flooding

Magdalen Burleson
City Clerk

164

CITY OF ASHEVILLE

BUDGET AMENDMENT

FISCAL YEAR	EFFECTIVE DATE
2018/19	7/24/2018

Purpose: To repair Parks and Recreation facilities damaged by recent flooding

Requesting Department: Parks and Recreation

Amendment to: General Capital Projects Fund

	Account	Current Budget	Amended Budget	Increase (Decrease)
Revenues				
41090803-498100-R19xx	Operating Transfer from General Fund	$ -	$ 1,205,000	$ 1,205,000
Expenditures				
41000803-521001-R19xx	Contracted Services	$ -	$ 1,205,000	$ 1,205,000
BALANCE				$ -

Amendment to: General Fund

	Account	Current Budget	Amended Budget	Increase (Decrease)
Revenues				
11000032-499100	Appropriated Fund Balance	$ -	$ 1,205,000	$ 1,205,000
Expenses				
11090060-800410	Transfer to General Capital Projects Fund	$ 800,000	$ 2,005,000	$ 1,205,000
BALANCE				$ -

ORDINANCE NO. 4685

ORDINANCE GRANTING A FRANCHISE TO OPERATE AN ELECTRIC VEHICLE SHUTTLE SERVICE WITHIN THE CITY OF ASHEVILLE

WHEREAS, the City of Asheville (herein "City") has the authority pursuant to G.S. 160A-296 to control the use of streets and sidewalks within the city; and

WHEREAS, the City of Asheville has the authority pursuant to G.S. 160A-76 to grant franchises; and

WHEREAS, **Tuk It, LLC** proposes to operate an electric vehicle shuttle service on the streets of the City; and

WHEREAS, the City has determined that it is in the public interest to permit the operation of said service on the City's streets, subject to certain terms and conditions;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. **Tuk It, LLC** is hereby granted a franchise to operate an electric vehicle shuttle service on the streets of the City of Asheville subject to the following terms and conditions:

1. Route: The electric vehicle shuttle service is allowed to operate in the downtown Central Business District (CBD), Biltmore Village, the River Arts District, and the Historic Montford District along state-maintained and city-maintained streets where the posted speed limit is 35 mph or less. The operation of the electric vehicle shuttle service shall be designed so as to minimize traffic impacts upon the general circulation of vehicular and pedestrian traffic of the City. The electric vehicle shuttle service shall not load or unload passengers directly from Patton Avenue, College Street, Broadway or Biltmore Avenue unless there is an open parking space or a loading/unloading zone into which the vehicle can safely enter in order to prevent blocking the flow of traffic. **Tuk It, LLC** has three vehicles designated for use in the City of Asheville with seating for a driver and six passengers.

2. Stops and Parking: The electric vehicle shuttle service stops may not exceed three minutes on any public right-of-way, except as necessary to embark and debark passengers, or with the written permission of the City Traffic Engineer. Loading zones may be used for stops of this limited duration. All service stops shall be made in a way to minimize

any possible disruption to the flow of vehicular traffic. It is anticipated that the electric vehicle shuttle service will secure parking mainly in private lots when longer stops (i.e. waiting for passengers while they are in restaurants and other retail businesses) are required. In order to further clarify this section, the electric vehicle shuttle service must adhere to the City of Asheville Code of Ordinances Section 19-137 which makes it unlawful to stop, stand, or park in and/or on specific places including pedestrian crosswalks, sidewalks, and designated bicycle lanes.

3. Operating times/frequency: The electric vehicle shuttle service will operate Monday through Wednesday between the hours of 10:00 am and 9:00 pm and Thursday through Sunday between the hours of 10:00 am and midnight. The City reserves the right to change these hours at its sole discretion, provided that **Tuk It, LLC** is given a 30-day notice of such change. The electric vehicle shuttle service is prohibited from operating in any City approved festival or event area where the streets are blocked except with written permission from the event organizer.

4. Terms of Franchise/Renewal: The term of this Franchise shall be indefinite, subject to the Revocation/Termination provisions of Paragraph 10 of this Ordinance.

5. Insurance: **Tuk It, LLC** agrees to keep and maintain for the duration of this Agreement including but not limited to commercial general liability, auto liability, workers' compensation, employer's liability, and umbrella coverage with at least the minimum limits shown below. **Tuk It, LLC** furnish the City with certificates of insurance for each type of insurance described herein, with the City listed as Certificate Holder and as an additional insured on **Tuk It, LLC**'s general liability policy and provide a waiver of subrogation on **Tuk It, LLC**'s general liability and workers' compensation policy. In the event of bodily injury or property damage loss caused by **Tuk It, LLC**'s negligent acts or omissions in connection with **Tuk It, LLC**'s services performed under this Agreement, **Tuk It, LLC**'s Liability insurance shall be primary with respect to any other insurance which may be available to the City, regardless of how the "Other Insurance" provisions may read. In the event of cancellation, substantial changes or nonrenewal, **Tuk It, LLC** and their insurance carrier shall give the City at least thirty (30) days prior written notice. No work shall be performed until **Tuk It, LLC** has furnished to the City the above referenced certificates of insurance and associated endorsements, in a form suitable to the City.
Commercial General Liability: $1,000,000 per occurrence
Excess (Umbrella) Liability: $2,000,000

Commercial Auto Liability:	$1,000,000 combined single limit
Workers' Compensation:	Statutory
Employer's Liability:	$100,000 each accident/total disease/employee disease

6. Indemnity: By commencing operation under this Franchise, **Tuk It, LLC** agrees to indemnify, defend, and hold harmless the City against any liability loss, costs, claims, damages, expenses, attorney fees, judgments and awards arising or claimed to have arisen for personal injury, property damage or other damage or injury arising from or in connection with any of **Tuk It, LLC** operations, including operation of the electric vehicle shuttle service under this Franchise.

7. Electric Vehicle Equipment/Condition of Vehicle: The electric vehicle will be licensed and plated by the NC Department of Transportation (Division of Motor Vehicles). Safety features of the vehicle are expected to include headlamps, tail lamps, stop lamps, turn signals, a Type AS-1 or AS-5 glazing windshield with wiper, reflex bumpers, parking brake, rear view mirrors, a horn, and seatbelts. **Tuk It, LLC** is responsible for ensuring that all electric vehicle equipment is maintained in a safe and operable condition in accordance with applicable laws. The City reserves the right to have the vehicle inspected by the City's taxi inspector, appointed pursuant to city Code Sec. 18-9, and to restrict operation of any vehicles that fail inspection.

8. Standards for Drivers/Conductors: **Tuk It, LLC** shall certify in writing to the City that each driver has a valid North Carolina driver's license, is medically fit to operate the electric vehicle and has submitted a complete criminal background check. **Tuk It, LLC** shall keep these records on file and will supply this information to the City upon request. Drivers with convictions for crimes of moral turpitude, driving while impaired, controlled substance offenses and sex offenders are prohibited from operating the low speed vehicle within the City limits.

9. Non-transferability/Amendment: This Franchise shall constitute a certificate of public convenience and necessity for the operation of the low speed vehicle shuttle service. This Franchise is not transferable, except to another entity owned by **Tuk It, LLC** with written agreement from the City, and may not be amended except as provided in G.S. 160A-76 and G.S. 160A-304(b). This Franchise is not exclusive.

10. Revocation/Termination: The City may revoke this Franchise at any time for failure by **Tuk It, LLC** to comply with any of the provisions hereof; provided, that **Tuk It, LLC** shall receive 10 day's notice of said revocation during which time this franchise may only be suspended.

The City may revoke this Franchise for any reason upon 30 days notice to **Tuk It, LLC**. **Tuk It, LLC** shall be entitled to no compensation or payment as a result of the revocation of this franchise for any reason.

Tuk It, LLC may cease operations under this Franchise upon 30 days notice to the City.

11. Notice: Any notices required or permitted pursuant to this franchise shall be first class mail or personal delivery to the parties as follows:

If to Tuk It, LLC
Tisha Perry
PO Box 2717
Asheville, NC 28802

If to City:
City Attorney
70 Court Plaza
Asheville, NC 28802

Compliance with the formalities of this section may be waived.

Tuk It, LLC shall at all times maintain an office or business location in the City of Asheville, and shall pay all taxes and fees associated with operation. **Tuk It, LLC** shall designate an individual to be its agent for service of process in accordance with North Carolina law, and shall keep the City advised of any changes in said agent or its address.

12. Franchise Fee: The fee for the operation of this Franchise shall be $1.00 per day for each day of the term of the Franchise, payable in a lump sum on or before the date of operation of service.

13. Temporary Suspension/Modification: This Franchise and any of the terms and conditions thereof, including those relating to route, stops, and scheduling are subject to temporary suspension or modification by the City as necessary for the City to exercise and maintain control over its streets and public ways. The reasons for such action may include (by way of example and not limitation), the following: (a) closing of streets for repairs; (b) closing of streets for parades and festivals; (c) change in direction of one way streets; (d) changes in parking configuration. Any such action shall be within the City's sole discretion

without recourse by **Tuk It, LLC**. The City will endeavor to provide advance notice of such action, but shall not be bound to do so. Suspension or modification expected to be of more than 30 days duration will require amendment to this Ordinance.

14. Compliance with Laws: **Tuk It, LLC** shall comply with all applicable federal, state, and local laws in the operation of its business including, but not limited to, the City of Asheville open container ordinance, and the State of North Carolina Alcoholic Beverage Control (ABC) laws (i.e. NCGS 18B-401; NCGS 20-4.01 (27); NCGS 20-138.7; NCGS 138.2C).It has been determined that because the low speed vehicle will be licensed as a slow-moving vehicle, it does not, per se, conflict with the City's open container ordinance (Section 11-11). However, requirements of this ordinance must still be observed (i.e. passengers cannot leave the vehicle with an open container). **Tuk It, LLC** shall also be responsible for obtaining all necessary licenses and permits including, but not limited to, ABC permits and licenses or permits from the NC Department of Transportation. **Tuk It, LLC** will not allow alcoholic beverages on the low speed vehicles. Pursuant to City Code, no third-party advertising is allowed on the outside of the vehicles.

Section 2. All ordinances and clauses of ordinances in conflict herewith be and the same are hereby repealed to the extent of such conflict.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 24th day of July, 2018 on first reading and on the second and final reading the 9th day of October, 2018.

Magdalen Bowlesson

City Clerk

Esther E. Manheimer

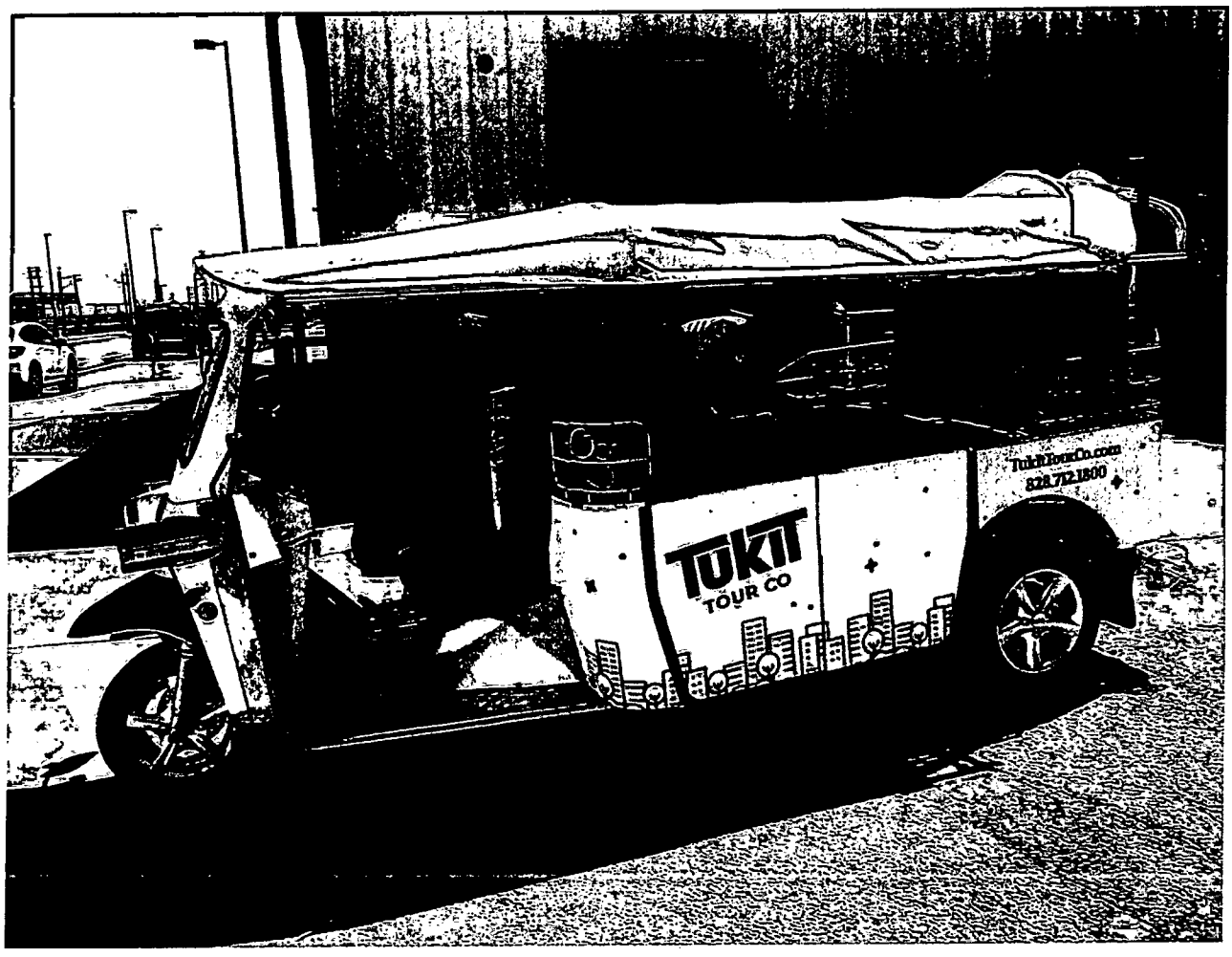
Mayor

Approved as to form:

City Attorney

City Clerk

170



ORDINANCE NO. 4686

ORDINANCE AMENDING CHAPTER 7 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE TO AMEND OUTDOOR LIGHTING STANDARDS

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety, and welfare; and

WHEREAS, the Unified Development Ordinance (Chapter 7 of the City Code of Ordinances) provides standards for various forms of lodging uses and developments which should be expanded and updated to be consistent with city goals and plans; and

WHEREAS, this Ordinance is determined to be reasonable, in the public interest, and is consistent with the Comprehensive Plan in the following ways:

(1) Maintains development standards to promote harmony and compatibility with surrounding properties, and

(2) Provides flexibility for the enjoyment and use of property at night, and

(3) Improves safety by allowing higher levels of illumination for high activity areas and uses.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1: Chapter 7 of the Code of Ordinances of the City of Asheville is hereby amended as follows:

a. **Sec. 7-11-10(d)(2) is amended to read as follows:**

(2) New residential lighting for one- and two-family dwelling units;

b. **Sec. 7-11-10(e) is amended by adding a new "(8)" and a new "(9)" that reads:**

(8) A suspended string of lights when found in one of the following conditions:

a) On properties supporting one- and two-family dwelling units, when located outside of required setbacks, or

b) Around, in, or over the permitted dining area(s), belonging to a lawful eating and drinking establishment, when the following output limits are met:

i) Incandescent lights - no more than 25 lumens per bulb; or

ii) LED lights - no more than 50 lumens per bulb.

Lights must be turned off when the outdoor dining area is not in use.

(9) All lighting required by the North Carolina State Building Code.

c. Sec. 7-11-10(f)(5) & (6) are amended to read as follows:

(5) Any exposed lamp or bulb visible from the property boundary of the parcel on which the light is located, unless otherwise exempted.

(6) A suspended string of lights with individual lamps larger than 15 lumens, unless otherwise exempted.

d. Sec. 7-11-10(g)(1-3) & (9) is amended by deleting and adding the following language:

(g) *General standards for new outdoor lighting.* Unless otherwise exempted or allowed by this ordinance, the following standards shall apply to all outdoor lighting.

(1) All exterior light fixtures shall be classified as providing full cutoff light distribution ~~unless otherwise allowed or exempted by this ordinance.~~

(2) The maximum light level at any property line shall be 0.5 footcandle maintained.

~~Exceptions:~~

~~a. Unless otherwise allowed or exempted by this ordinance.~~

~~b. Where required by the NC Building Code as a component of the minimum requirements for a means of egress system.~~

(3) Directional lighting allowed by the ordinance shall be directed downward ~~unless otherwise allowed or exempted by this ordinance.~~

[items (4-8) remain unchanged]

~~(9) Where these standards conflict with those required by the current editions of the NC Building Codes, the most restrictive standard shall apply. Where subsections of this ordinance are in conflict with each other, the most restrictive standard shall apply.~~

e. Sec. 7-11-10(k) is amended to read as follows:

(k) *Outdoor sports ~~field/~~and outdoor performance area lighting.* Outdoor lighting for all sports court, sports field, and outdoor performance areas, along with the associated seating, shall be subject to the following standards when such facilities are open to the public and are the primary use on the property. These standards do not apply when the facility is ancillary to other uses on the property in which case, general standards shall apply.

(1) The mounting height for outdoor sports field, stadium seating, and outdoor performance area lighting fixtures shall not exceed 90 feet from finished grade. The mounting height for outdoor sports courts shall not exceed 50 feet from finished grade.

(2) All outdoor sports ~~field~~ and outdoor performance area lighting fixtures shall be equipped with a glare control package (louvers, shields, or similar devices). The fixtures must be aimed so that their beams are directed and fall within the primary playing or performance area and not into adjacent property or road rights-of-way.

(3) The hours of operation for the lighting system for any game or event shall not exceed one hour after the end of the event.

(4) ~~All outdoor sports field and outdoor performance area lighting shall also meet the general standards set forth in subsection (g).~~ The maximum number of fixture lumens shall not exceed 38,600 lumens for sports courts and 121,000 lumens for sports fields and outdoor performance areas.

(5) The maximum correlated color temperature (CCT) shall not be higher than 4,300 K (Kelvin degrees) for sports courts and 5,700 K for sports fields and outdoor performance areas.

f. Sec. 7-2-5 is amended to insert the following definitions alphabetically:

Sports court means any hardscape area lined and marked based on regulation standards for such games including, but not limited to, tennis and basketball but excluding pools, picnic areas and parking lots.

Sports field means a large field or open space lined and marked based on regulation standards for such games including, but not limited to, football, baseball/softball and soccer but excluding pools, picnic areas and parking lots.

Section 2: If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 3: All ordinances or parts of ordinances in conflict are hereby repealed to the extent of such conflict.

Section 4: This ordinance will become effective upon adoption.

Read, approved, and adopted this the 24th day of July, 2018.

Magdalen Bouleson
City Clerk

Esther Martin
Mayor

Approved as to form:

City Attorney

Magdalen Bouleson
City Clerk

174

ORDINANCE NO. 4687

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 28th day of August, 2018.

Magdalen Burleson
City Clerk

Edwin E. Munk
Mayor

Approved as to form:

City Attorney

PURPOSE: HIDTA 2018 Grant

Magdalen Burleson
City Clerk

CITY OF ASHEVILLE

BUDGET AMENDMENT

FISCAL YEAR	EFFECTIVE DATE
2018/19	8/28/2018

Purpose: To establish budget for HIDTA 2018.

Requesting Department: Police

Amendment to: Grant Fund

	Account	Current Budget	Amended Budget	Increase (Decrease)
Revenues				
22000121-435000-P19xx	Restricted Intergov Federal Grants	$ -	$ 19,000	$ 19,000
Expenditures				
22000121-528304-P19xx	Police Special Purposes	$ -	$ 19,000	$ 19,000
BALANCE				$ -

176

ORDINANCE NO. 4688

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment forms attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 28th day of August 2018.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: Receive a federal pass-through grant for research and documentation of African American heritage resources.

Magdalen Burleson
City Clerk

CITY OF ASHEVILLE

BUDGET AMENDMENT

2017/18	8/28/2018
FISCAL YEAR	EFFECTIVE DATE

Purpose: To establish budget for CLG 2018 African American Heritage Resources grant award.

Requesting Department: Planning & Urban Design

Revision to: General Fund

	Account	Current Budget	Amended Budget	Increase (Decrease)
Expenditures				
11000410-521001	Contracted Services	$ 8,000	$ 1,000	$ (7,000)
11090411-800220	Transfer to Grant Fund	$ -	$ 7,000	$ 7,000
BALANCE				$ -

Amendment to: Special Revenue Fund

	Account	Current Budget	Amended Budget	Increase (Decrease)
Revenues				
22000411-435000-D1915	Federal Grants	$ -	$ 12,000	$ 12,000
22090411-498100-D1915	Transfer from Gen Func	$ -	$ 7,000	$ 7,000
Expenditures				
22000411-521001-D1915	Contracted Services	$ -	$ 19,000	$ 19,000
BALANCE				$ -

178

ORDINANCE NO. 4689

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made a part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted 28th day of August, 2018.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: This Budget Amendment is to establish a contract with Green Light Electric, Inc of Weaverville, NC for construction services on the project Charlotte St/ Biltmore Ave. signal upgrade. City of Asheville Project 298-T1101.

Magdalen Burleson
City Clerk

BUDGET AMENDMENT

CITY OF ASHEVILLE

2018/19 — FISCAL YEAR

8/21/2018 — EFFECTIVE DATE

Purpose: To complete FTA Signal project along South Charlotte/Biltmore Ave.

Requesting Department: Transportation

Amendment to: General Capital Projects Fund

Account		Current Budget	Amended Budget	Increase (Decrease)
Revenues				
41002152-435516-T1101	Restricted Grants	$ 147,774	$ 157,207	$ 9,433
41092152-498100-T1101	Operating Transfer Gen. Fund	$ 29,063	$ 30,429	$ 1,366
Expenditures				
41002152-616102-T1101	Construction	$ 178,337	$ 189,136	$ 10,799
BALANCE				**$ -**

Revision to: General Fund

Account		Current Budget	Amended Budget	Increase (Decrease)
Expenditures				
11002153-524101	Materials	$ 3,540.05	$ 2,174.05	$ (1,366.00)
11092153-800410	Transfer to Gen. Capital Project Fund	$ - .00	$ 1,366.00	$ 1,366.00
BALANCE				**$ - .00**

180

ORDINANCE NO. 4690

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made a part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 28th day of August, 2018.

Magdalen Bullison
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

PURPOSE: High Intensity Drug Traffic Area (HIDTA) 2017 Grant Modification

Magdalen Bullison
City Clerk

CITY OF ASHEVILLE

BUDGET AMENDMENT

FISCAL YEAR	EFFECTIVE DATE
2018/19	8/28/2018

Purpose: To modify the budget for HIDTA 2017.

Requesting Department: Police

Amendment to: Grant Fund

	Account	Current Budget	Amended Budget	Increase (Decrease)
Revenues				
22000121-435000-P1808	Restricted Intergov Federal Grants	$ 22,335	$ 47,335	$ 25,000
Expenditures				
22000121-528304-P1808	Police Special Purposes	$ 22,335	$ 47,335	$ 25,000
BALANCE				$ -

182

ORDINANCE NO. 4691

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment forms attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 28th day of August 2018.

Magdalen Bowlerson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

PURPOSE: To approve a budget amendment for $300,000, which includes acceptance of $240,000 in grant funds from NCDOT and $40,000 in matching funds from Connect Buncombe and Buncombe County, as well as approval of $20,000 City of Asheville match contribution for the North RADTIP Greenway Project.

Magdalen Bowlerson
City Clerk

CITY OF ASHEVILLE	BUDGET AMENDMENT	
	2018/19	8/28/2018
	FISCAL YEAR	EFFECTIVE DATE

Purpose: North River Arts District (RAD) Greenway Project

Requesting Department: Transportation

Amendment to: Grant Fund

	Account	Current Budget	Amended Budget	Increase (Decrease)
Revenues				
22002100-436000-T19xx	Restricted Intergovernmental State Grants	$ -	$ 240,000	$ 240,000
22002100-437100-T19xx	Restricted Intergovernmental Other Local Participation	$ -	$ 20,000	$ 20,000
22002100-437000-T19xx	Restricted Intergovernmental County Participation	$ -	$ 20,000	$ 20,000
22002100-498100-T19xx	Oper Transfers from General Fund	$ -	$ 20,000	$ 20,000
Expenditures				
22002100-521002-T19xx	Professional Services	$ -	$ 300,000	$ 300,000
BALANCE				$ -

Revision to: General Fund

	Account	Current Budget	Amended Budget	Increase (Decrease)
Revenues				
11000060-528013	City Manager's Contingency	$ 50,000	$ 30,000	$ (20,000)
Expenditures				
11090060-800410	Transfer to General Capital Projects Fund	$ 2,005,000	$ 2,025,000	$ 20,000
BALANCE				$ -

184

ORDINANCE NO. 4692

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made a part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 28th day of August, 2018.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: JAG 2018 Grant

Magdalen Burleson
City Clerk

CITY OF ASHEVILLE

BUDGET AMENDMENT

2018/19	8/28/2018
FISCAL YEAR	EFFECTIVE DATE

Purpose: JAG 2018 Local Solicitation

Requesting Department: Police

Amendment to: Grant Fund

	Account	Current Budget	Amended Budget	Increase (Decrease)
Revenues				
22000122-435000-P19xx	Restricted Intergov Federal Grants	$ -	$ 58,235	$ 58,235
Expenditures				
22000122-524003-P19xx	Supplies - Safety Equipment	$ -	$ 46,494	$ 46,494
22000122-527101-P19xx	Awarded Grants	$ -	$ 11,741	$ 11,741
BALANCE				$ -

186

ORDINANCE NO. 4693

AN ORDINANCE AMENDING ARTICLE II, DIVISION 1, SECTIONS 24 AND 25 OF APPENDIX C OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

Section 1: That Article II, Division I, Section 25 (b) of Appendix C of the Code of Ordinances of the City of Asheville (Speed Limits – Thirty miles per hour, City system) be amended to remove:

Hazel Mill Road, from Patton Avenue to the city limits.

Bear Creek Road, between Johnson Boulevard and the city limits.

Section 2: That Article II, Division I, Section 25 (b) of Appendix C of the Code of Ordinances of the City of Asheville (Speed Limits – Thirty miles per hour, City system) be amended to include:

Hazel Mill Road, from the city limits to SR 1332 (Louisiana Avenue).

North Bear Creek Road, from US 19-23-74A (Patton Avenue) to Old County Home Road.

Section 3: That Article II, Division I, Section 24 (b) of Appendix C of the Code of Ordinances of the City of Asheville (Speed Limits – Twenty Five miles per hour, City system) be amended to include:

Hazel Mill Road, from SR 1332 (Louisiana Avenue) to US 19-23-74A (Patton Avenue).

Martin Luther King Drive, from SR 3284 (South Charlotte Street) to US 70-74A (College Street).

Section 5: That all Ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed.

Section 6: That this Ordinance shall be in full force and effect upon adoption by the City of Asheville and the erection of signs giving notice of the authorized speed limit.

Read, approved and adopted this 28th day of August, 2018.

Magdalen Burleson
City Clerk

Edwin G. Marc
Mayor

Approved as to form:

CITY ATTORNEY

Magdalen Burleson
City Clerk

Workflow No. 0000489156-0001

187

Doc ID: 031973270003 Type: CRP
Recorded: 09/27/2018 at 01:09:17 PM
Fee Amt: $26.00 Page 1 of 3
Workflow# 0000489156-0001
Buncombe County, NC
Drew Reisinger Register of Deeds
BK 5706 PG 676-678

ORDINANCE NO. 4694

AN ORDINANCE DESIGNATING PROPERTY KNOWN AS THE PRINCESS ANNE HOTEL, LOCATED AT 301 EAST CHESTNUT STREET IN ASHEVILLE AS A LOCAL HISTORIC LANDMARK

WHEREAS, pursuant to N. C. Gen. Stat. Secs. 160A-400.5 and 160A-400.6, and Chapter 8, sections 8-3 and 8-4 of the Code of Ordinances of the City of Asheville, the City has the authority for designation of a local historic landmark; and

WHEREAS, the Historic Resources Commission of Asheville and Buncombe County has caused to be made an investigation and report on the historic, architectural, and cultural significance of the above referenced structure and property proposed for landmark designation, and the North Carolina Department of Cultural Resources has been provided the opportunity to review and comment on the proposed designation; and

WHEREAS, The Princess Anne Hotel was built in 1922-23. It is a highly intact 3-story structure built in the Shingle and Colonial Revival styles and was designed by prominent Asheville architect William J. East. The Princess Anne Hotel has a period of significance from 1922-1929, and is significant for its architecture, as well as its association with recreation and culture; and

WHEREAS, The Princess Anne Hotel exemplifies a notable example of guest accommodations constructed in Asheville during its early twentieth century boom period of tourism and real estate development in the 1920s. The Princess Anne Hotel is also significant architecturally as a highly intact example of a Shingle/Colonial Revival style building from the 1920's. The modest size of the Princess Anne Hotel distinguished itself from the large resort hotels and placed it more of a scale with the numerous apartment buildings that were being constructed throughout Asheville in the 1920s; and

WHEREAS, a public hearing on the designation of the Princess Anne Hotel as a local historic landmark was held by the Historic Resources Commission of Asheville and Buncombe County on July 11, 2018, and the Commission found that the property is deemed to be of special significance in terms of its historical, prehistorical, architectural, or cultural importance, and to possess integrity of design, setting, workmanship, materials, feeling and/or association as outlined in the designation report and is therefore,eligible for designation; and

Return to:
City of Asheville
Planning + Urban Design Dept.
attn: Alex Cole
PO Box 7148
Asheville, NC 28802

WHEREAS, on August 28, 2018, the Asheville City Council held a public hearing on the designation of the Princess Anne Hotel as a local historic landmark, taking into full consideration all statements and information presented at the public hearing and the recommendation of the Historic Resources Commission of Asheville and Buncombe County made after its public hearing held on July 11, 2018; and

WHEREAS, all the prerequisites to the adoption of this ordinance prescribed in Part 3C, Article I9, Chapter I60A of the North Carolina General Statutes have been met;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. he property known as the **Princess Anne Hotel**, located at 301 East Chestnut Street in Asheville, North Carolina and more particularly described in **Exhibit A** attached hereto and incorporated herein, and owned by Michael and Colleen Eden, is hereby designated as a local historic landmark pursuant to Part 3C of Article 19 of Chapter 160A of the North Carolina General Statutes and Chapter 8 of the Code of Ordinances of the City of Asheville, and is subject to the conditions and restrictions set forth therein and below.

Section 2. Those features of the property that are integral to its architectural and cultural significance shall be understood to include the following:

> The entire exterior of the structure known as the Princess Anne Hotel and the 0.59 acre lot on which the structure is located as described in Deed Book 5508 at Page 1334 of the Buncombe County Register of Deeds.

Section 3. The significant features of the structure located on said property may not be demolished, materially altered, restored, or removed, nor any new structure built upon the lot without a Certificate of Appropriateness issued by the Historic Resources Commission of Asheville and Buncombe County. Any application for the demolition of this property shall require a 365 day waiting period as currently set forth in Part 3C of Article I9 of Chapter I60A of the North Carolina General Statutes (or any other period of time required by said statute as it may be amended hereafter).

Section 4. A suitable sign or plaque shall be posted indicating the said property has been designated as a local historic landmark and containing any other appropriate information. If the owner consents, the sign or plaque shall be placed upon the building or property. If the owner objects, a sign shall be placed on nearby public rights-of-way.

Section 5. The Historic Resources Commission via the City's Planning Director shall cause this ordinance to be filed and recorded as provided in Chapter 8 of the City Code.

Section 6. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid; such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clauses, or phrases be declared invalid.

Section 7. That all ordinances and clauses of ordinances in conflict herewith be and are repealed, to the extent of such conflict.

Section 8. That this ordinance shall be in force and effect on the date of adoption.

Section 9. Violation of this ordinance shall be subject to the remedies set forth in Article XVIII of Chapter 7 of the City Code of the City of Asheville, in addition to other remedies provided by law.

Read, approved and adopted this the 28th day of August, 2018.

Magdalen Burleson
CITY CLERK

Edwin C. Hunter
MAYOR

Approved as to form:

CITY ATTORNEY

The undersigned hereby certifies that it is the record property owner for the property described in the City of Asheville Ordinance, and hereby consents to review of the exterior features and site described herein by the Historic Resources Commission of Asheville and Buncombe County.

Michael Eden

Colleen Eden

STATE OF ~~NORTH CAROLINA~~ Florida
COUNTY OF Monroe

I, John Bickers, a Notary Public of the County and State aforesaid certify that Michael + Colleen Eden, Owner of said property, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and notarial seal this 12 day of September, 2018.

Notary Public
My Commission Expires: 1/4/21

JOHN R. BICKERS
MY COMMISSION #GG059973
EXPIRES: JAN 04, 2021
Bonded through 1st State Insurance

Magdalen Burleson
City Clerk

190

ORDINANCE NO. 4695

ORDINANCE AMENDING ZONING FOR PROPERTY LOCATED AT
402 HENDERSONVILLE RD AND 349 REED ST

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this rezoning is also deemed an amendment to the Future Land Use Map of the Comprehensive Plan changing portions of these parcels from Traditional Neighborhood to Traditional Corridor; and

WHEREAS, this proposed amendment is consistent with the City's Living Asheville: A Comprehensive Plan for our Future, Smart Growth policies, and other official plans of the City, and is determined to be reasonable, is in the public interest, and meets the development needs of the community for the following reasons:

a. The HB zoning is the predominate zoning district adjacent to Hendersonville Rd. and allows for uses that are consistent with city goals and plans for this area.
b. The RS8 zoning is the predominate zoning district adjacent to Reed St.
c. The RS8 zoning helps protect the existing Shiloh community from potential commercial intrusions.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

The zoning classification of that certain real properties described in Exhibit A and identified on Buncombe County tax maps as PIN 9647-75-9978, recorded in Deed Book 4938, Page 1071 and PIN 9647-85-0803, recorded in Deed Book 4646, Page 257; and currently owned by Butel, LLC from Highway Business (HB) / Residential High Density Single-Family (RS-8) to Highway Business (HB) / Residential

High Density Single-Family (RS-8). A copy of the official zoning map showing said lots is attached hereto as Exhibit "A" in addition a copy of the Proposed Zoning and Future Land Use Boundary survey showing the proposed zoning and future land use is attached hereto as Exhibit "D" and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed, to the extent of such conflict.

Section 5. The ordinances shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 6. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 28 day of August, 2018.

Magdalen Bowlison
City Clerk

Esther E. Manheimer
Mayor

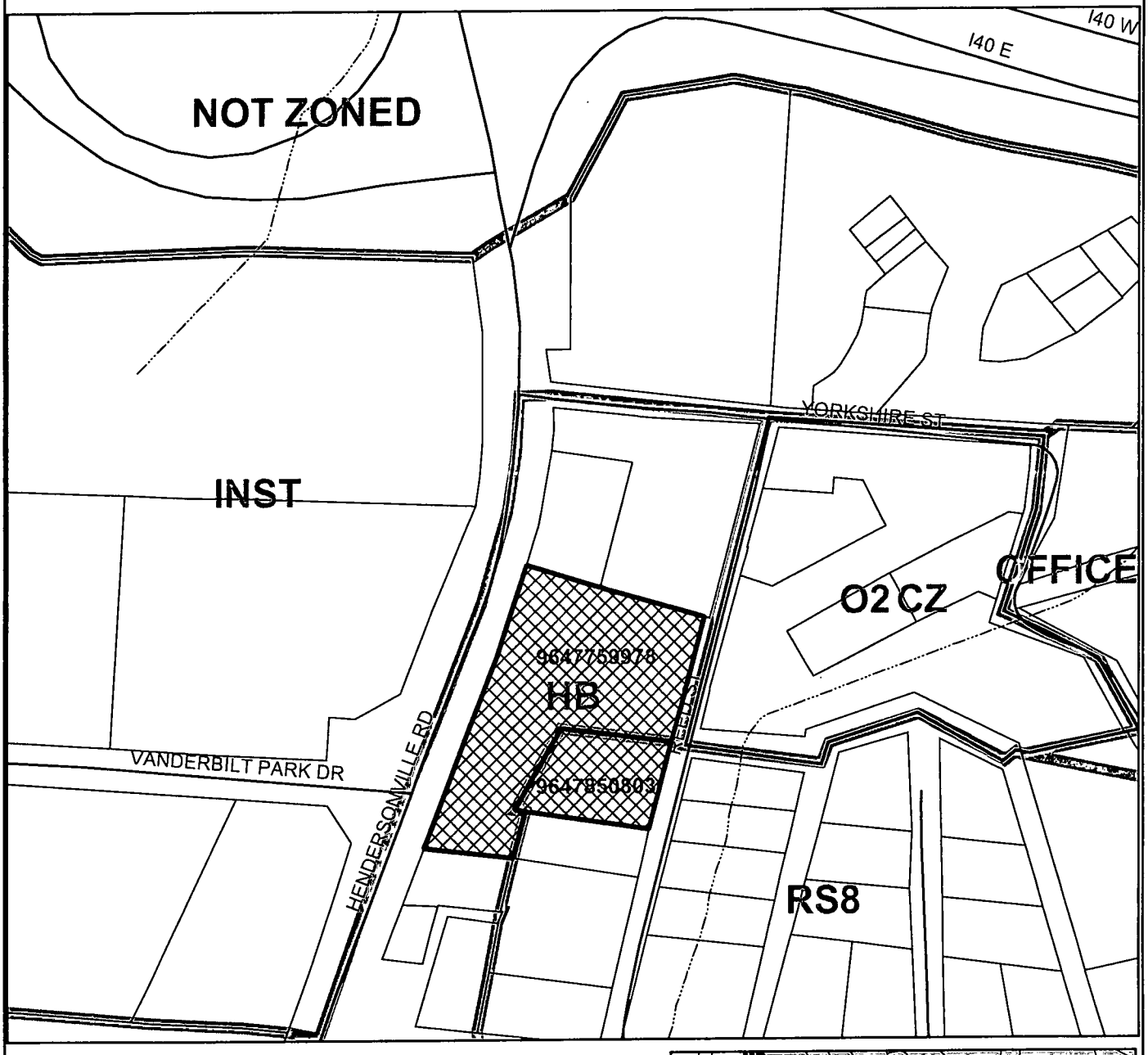
Approved as to form:

City Attorney

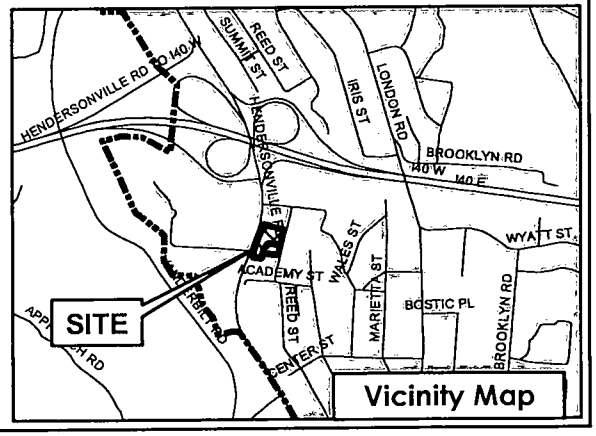
Magdalen Bowlison
City Clerk

192

City of Asheville - Exhibit A Map
Rezoning - 402 Hendersonville Rd. & 349 Reed St.



Project Name:	412 Hendersonville Rd.& 349 Reed St.
Project Number:	18-04719 PZ
Project Description:	Rezoning
Petitioner(s):	Michael Driskill (agent)
Parcel ID Number(s):	9647-75-9978 & 9647-85-0803
Location/Address:	402 Hendersonville Rd. & 349 Reed St.



Project Site
Parcels
Zoning Districts
Asheville City Limits
Streets
Streams

City of Asheville Planning and Development Department - June 2018

Exhibit D Proposed Zoning Boundary Survey

I, AARON R. BANKS, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN DEED BOOK ____, PAGE ____); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM ADJOINER INFORMATION AS SHOWN ON THE FACE OF THIS PLAT; THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10000+; AND THAT THIS MAP MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 NCAC 56.1600) & GS47-30.

THIS SURVEY CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND.

WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL

THIS_____ DAY OF _____, A.D. 2018.

AARON RAY BANKS, PLS-4667

NORTH CAROLINA PROFESSIONAL SEAL L-4667 LAND SURVEYOR AARON R. BANKS

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

FILE FOR REGISTRATION ON THE_____DAY OF_____, 2018.

AT_____AND RECORDED IN PLAT BOOK_____, PAGE_____

BY:_____
REGISTER OF DEEDS

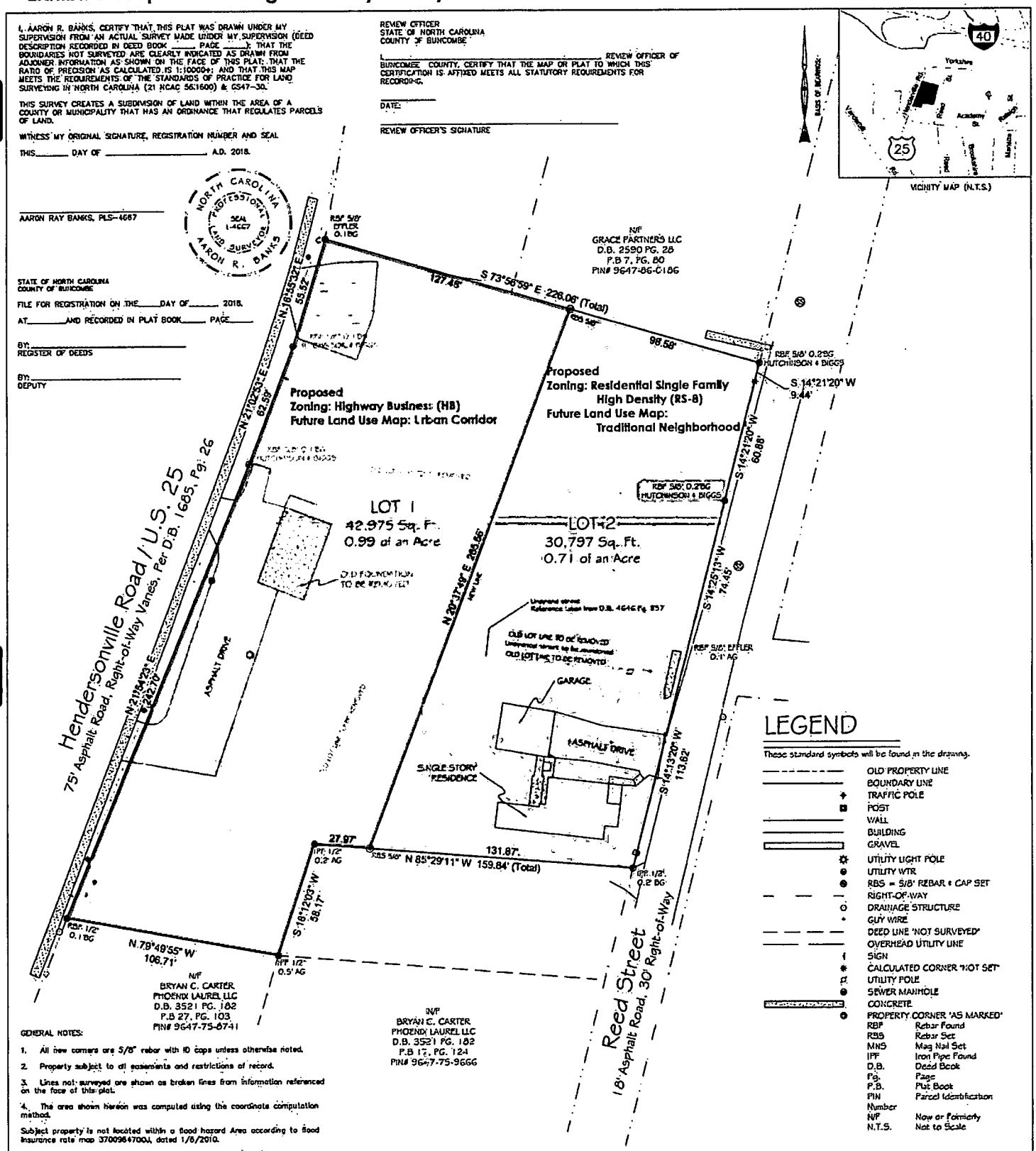
BY:_____
DEPUTY

REVIEW OFFICER
STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

I, _____, REVIEW OFFICER OF BUNCOMBE COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

DATE:

REVIEW OFFICER'S SIGNATURE



LEGEND

These standard symbols will be found in the drawing.

- OLD PROPERTY LINE
- BOUNDARY LINE
- TRAFFIC POLE
- POST
- WALL
- BUILDING
- GRAVEL
- UTILITY LIGHT POLE
- UTILITY WTR
- RBS = 5/8" REBAR + CAP SET
- RIGHT-OF-WAY
- DRAINAGE STRUCTURE
- GUY WIRE
- DEED LINE 'NOT SURVEYED'
- OVERHEAD UTILITY LINE
- SIGN
- CALCULATED CORNER 'NOT SET'
- UTILITY POLE
- SEWER MANHOLE
- CONCRETE
- PROPERTY CORNER 'AS MARKED'

RBF	Rebar Found
RBS	Rebar Set
MNS	Mag Nail Set
IPF	Iron Pipe Found
D.B.	Deed Book
Pg.	Page
P.B.	Plat Book
PIN	Parcel Identification Number
N/F	Now or Formerly
N.T.S.	Not to Scale

GENERAL NOTES:

1. All new corners are 5/8" rebar with ID caps unless otherwise noted.
2. Property subject to all easements and restrictions of record.
3. Lines not surveyed are shown as broken lines from information referenced on the face of this plat.
4. The area shown hereon was computed using the coordinate computation method.

Subject property is not located within a flood hazard Area according to flood insurance rate map 3700964700J, dated 1/6/2010.

6. Location of utilities, whether public or private, is based upon field location of visible appurtenances.
7. All distances are horizontal ground.
8. This plat has been prepared in conformity with North Carolina standards, G.S.47-30, and requirements of law, but a North Carolina licensed attorney-at-law should be consulted regarding correct ownership, width, and location of easements and other title questions revealed by a title examination.
9. No geodetic monuments were found within 2000 feet of the subject property.
10. The subject survey area is zoned: HB & RS8

PROPERTY INFORMATION:

PIN Numbers: 9647-75-9978 & 9647-85-0803
Owners N/F: BUTEL LLC
Deed Reference: D.B. 4936, PG. 1071 & D.B. 4646, PG. 257
Plat Reference: N/A
Property Address: 402 HENDERSONVILLE RD, ASHEVILLE NC

GRAPHIC SCALE

30' 0 15' 30' 60' 120'

(IN FEET)
1 inch = 30 ft.

MINOR SUBDIVISION FOR
BUTEL LLC
CITY OF ASHEVILLE, BUNCOMBE COUNTY, N.C.
PROPERTY OWNER N/F: BUTEL LLC

C-3280

Banks Creek Surveying, Inc.
325 Aiken Road
Asheville N.C. 28804
Telephone: (828)779-4039
E Mail: Aaron@bankscreek.com

Drawn By: xxx	Date: date	Job No.: x-xxx
Surveyed by: xx, xx		
Checked By: xxx	Scale: 1" = xx'	Dwg. No: 1 of 1
File Name: xxx.dwg		

194

ORDINANCE NO. 4696

ORDINANCE ESTABLISHING CONDITIONAL ZONING FOR PROPERTY LOCATED AT 99999 NORTH BEAR CREEK ROAD

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statues, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this proposed amendment is consistent with the City's 2025 Comprehensive Plan and other official plans of the City, which is hereby adopted and incorporated by reference; and

WHEREAS, this proposed ordinance is determined to be reasonable and in the public interest as follows:

a. The proposal is aligned with the future land use map in the Living Asheville Plan as well as current zoning;
b. The development incorporates property line buffering and open space.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

The zoning classification of that certain real property described in Exhibit A and identified on Buncombe County tax maps as a portion of PIN 9628.54-8656 recorded in Deed Book 5601, Page 1464 and currently owned by Top Notch Tree Care, LLC from Residential Multi-Family Medium Density District and Highway Business to Highway Business Conditional Zone District. A copy of the official zoning map showing said lots is attached hereto as Exhibit "A" and made a part hereof. Said rezoning is subject to the conditions set out in Exhibit "B.1", and substantially complies with the site plans shown in Exhibit "C", both attached hereto and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. The ordinances shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 5. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 28th day of August, 2018.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

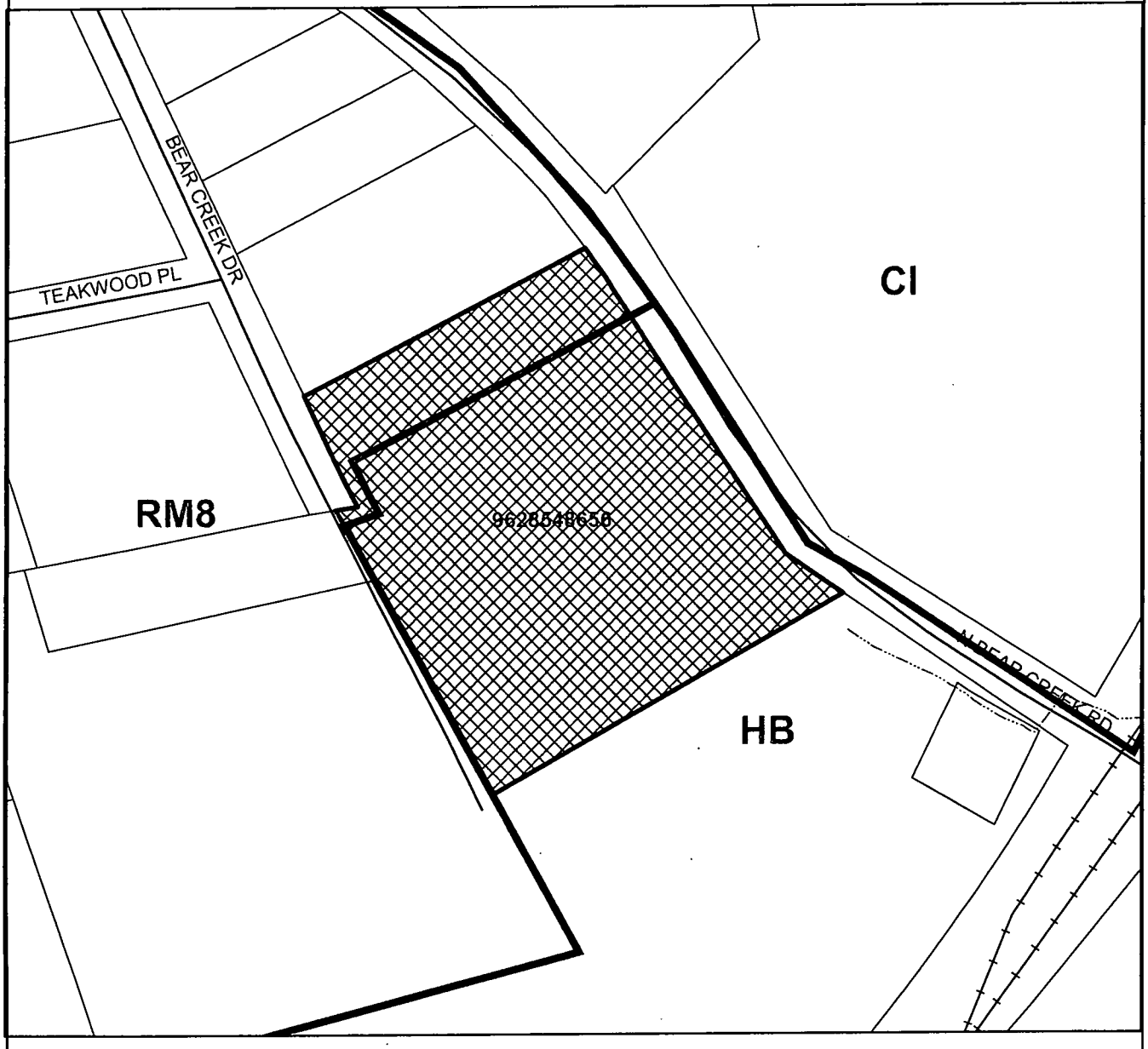
Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

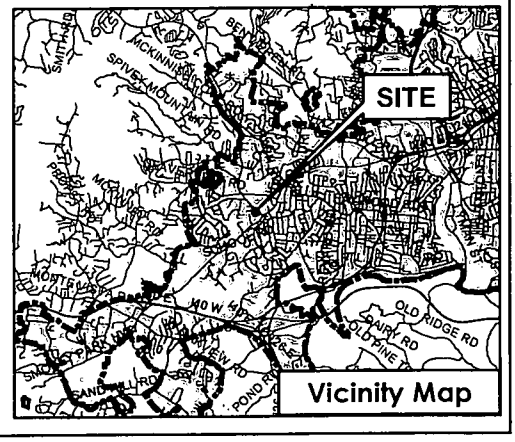
196

City of Asheville - Exhibit A Map
Conditional Zoning - Top Notch Tree Care



Project Name: Top Notch Tree Care
Project Number: 18 - 03606 PZ
Project Description: CZ from HB & RM-8 to HB CZ
Petitioner(s): Stephen Bellich
Parcel ID Number(s): 9628-54-8656

Location/Address: 99999 N. Bear Creek Rd



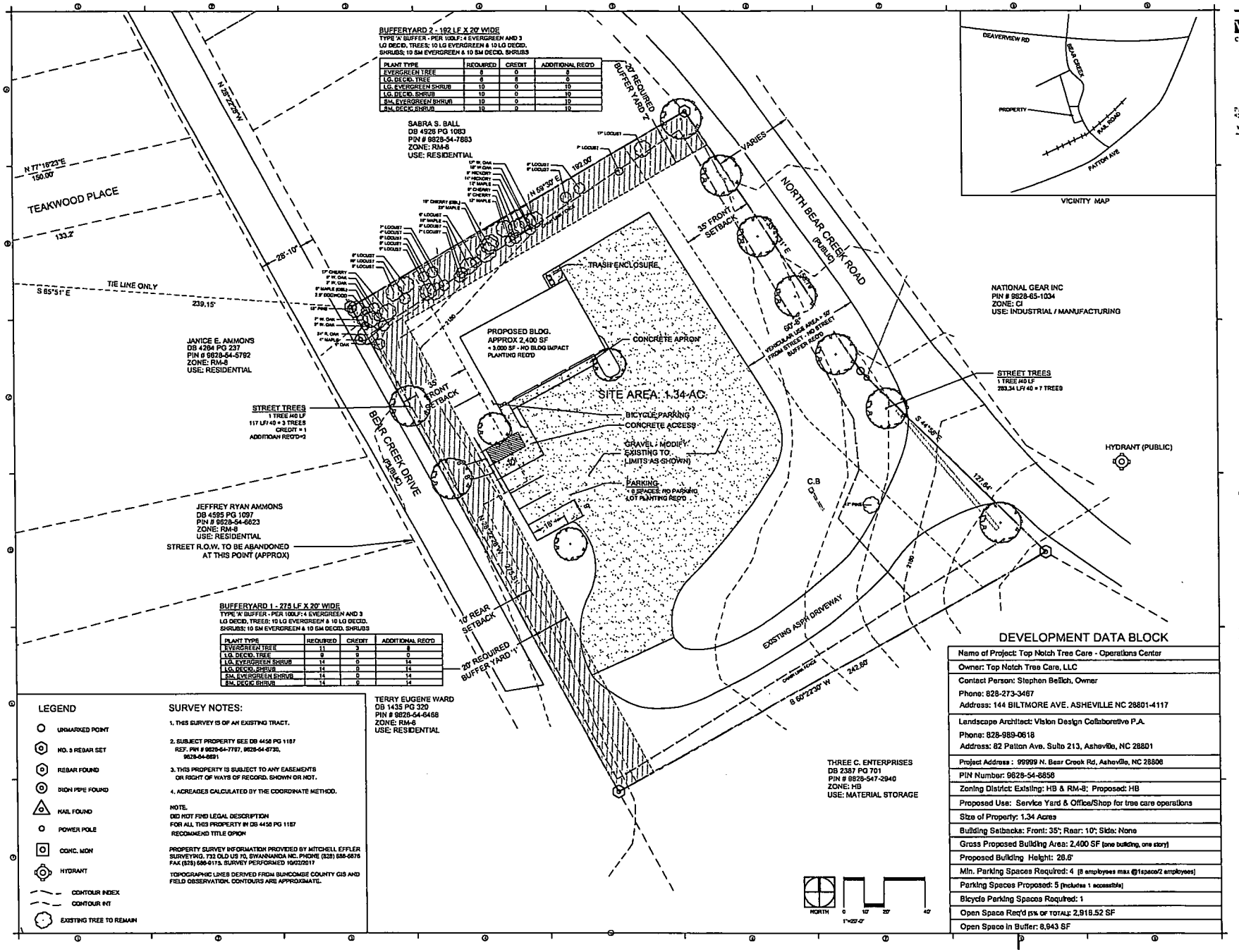
Project Site | Parcels | Asheville City Limits | Conditional Use Overlay
Zoning Districts | Streets | River Areas

City of Asheville Planning and Urban Design Department - May 2018

Top Notch Tree Care - North Bear Creek Road

Exhibit B.1 – Conditions List

1. The zoning for the parcel at 99999 North Bear Creek Road (PIN 9628.54-8565) is Highway Business Conditional Zone.
2. Uses on the site will be office and vehicular storage, both inside and outside of the building. Other uses which the Planning Director or his or her designee determines have the same or similar impact are also allowed.
3. The driveways providing access into the site from North Bear Creek Road have a maximum opening width of sixty feet as shown on the site plan incorporated herein by reference.
4. No sidewalks are provided along North Bear Creek Road or Bear Creek Drive; however the applicant will provide a ten-foot wide easement for future sidewalk along the project frontage on North Bear Creek Road (approximately 280 linear feet) and contribute $18,480 to the City's Capital Sidewalks Fund. The easement will be recorded and payment made prior to CO.
5. Landscaping will be provided as shown on the landscape plan as incorporated herein by reference with a property line buffer, building impact landscaping and street trees. A minimum of 15% of the overall lot area shall be designated as open space.
6. The building design, site design, construction materials and orientation on site must substantially comply with the approved site plan which is incorporated herein by reference. Any major deviations from these plans will require a rezoning.
7. All legally required local, state, and federal permits and approvals must be obtained prior to initiation of construction and any pertinent legal requirements shall be met.



PLANT TYPE	REQUIRED	CREDIT	ADDITIONAL REQ'D
EVERGREEN TREE	8	0	8
LG. DECID. TREE	6	6	0
LG. EVERGREEN SHRUB	10	0	10
LG. DECID. SHRUB	10	0	10
SM. EVERGREEN SHRUB	10	0	10
SM. DECID. SHRUB	10	0	10

PLANT TYPE	REQUIRED	CREDIT	ADDITIONAL REQ'D
EVERGREEN TREE	11	3	8
LG. DECID. TREE	9	9	0
LG. EVERGREEN SHRUB	14	0	14
LG. DECID. SHRUB	14	0	14
SM. EVERGREEN SHRUB	14	0	14
SM. DECID. SHRUB	14	0	14

LEGEND

- UNMARKED POINT
- NO. 5 REBAR SET
- REBAR FOUND
- IRON PIPE FOUND
- NAIL FOUND
- POWER POLE
- CONC. MON
- HYDRANT
- CONTOUR INDEX
- CONTOUR INT
- EXISTING TREE TO REMAIN

SURVEY NOTES:

1. THIS SURVEY IS OF AN EXISTING TRACT.
2. SUBJECT PROPERTY SEE DB 4458 PG 1187 REF. PIN # 9628-64-7797, 9628-64-8730, 9628-64-8691
3. THIS PROPERTY IS SUBJECT TO ANY EASEMENTS OR RIGHT OF WAYS OF RECORD. SHOWN OR NOT.
4. ACREAGES CALCULATED BY THE COORDINATE METHOD.

NOTE.
DID NOT FIND LEGAL DESCRIPTION FOR ALL THIS PROPERTY IN DB 4458 PG 1187
RECOMMEND TITLE OPION

PROPERTY SURVEY INFORMATION PROVIDED BY MITCHELL EFFLER SURVEYING, 732 OLD US 70, SWANNANOA NC. PHONE (828) 686-6676 FAX (828) 686-0173. SURVEY PERFORMED 10/02/2017

TOPOGRAPHIC LINES DERIVED FROM BUNCOMBE COUNTY GIS AND FIELD OBSERVATION. CONTOURS ARE APPROXIMATE.

DEVELOPMENT DATA BLOCK

Name of Project: Top Notch Tree Care - Operations Center
Owner: Top Notch Tree Care, LLC
Contact Person: Stephen Bellch, Owner Phone: 828-273-3467 Address: 144 BILTMORE AVE. ASHEVILLE NC 28801-4117
Landscape Architect: Vision Design Collaborative P.A. Phone: 828-989-0618 Address: 82 Patton Ave. Suite 213, Asheville, NC 28801
Project Address : 99999 N. Bear Creek Rd, Asheville, NC 28806
PIN Number: 9628-54-8858
Zoning District: Existing: HB & RM-8; Proposed: HB
Proposed Use: Service Yard & Office/Shop for tree care operations
Size of Property: 1.34 Acres
Building Setbacks: Front: 35'; Rear: 10'; Side: None
Gross Proposed Building Area: 2,400 SF (one building, one story)
Proposed Building Height: 28.6'
Min. Parking Spaces Required: 4 (8 employees max @1space/2 employees)
Parking Spaces Proposed: 5 (includes 1 accessible)
Bicycle Parking Spaces Required: 1
Open Space Req'd (5% OF TOTAL): 2,918.52 SF
Open Space in Buffer: 8,943 SF

visiondesign collaborative, P.A.
landscape architecture
illustrations
visioning
planning
WWW.VISIONDESIGNPA.COM

Top Notch Tree Care

N. BEAR CREEK RD, ASHEVILLE, NC

ISSUE DATE: 3.20.2018

REVISIONS

#	DATE	DESCRIPTION

DRAWN: REVIEWED:

REZONING REQUEST

PROJECT NUMBER: 17-1221

MATERIALS, LAYOUT ZONING COMPLIANCE

SHEET NUMBER

S2.0

© COPYRIGHT VISION DESIGN COLLABORATIVE, P.A.

ORDINANCE NO. 4697

ORDINANCE AMENDING CONDITIONAL ZONING FOR PROPERTY LOCATED AT 430 MCDOWELL STREET

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, an ordinance establishing conditional zoning for the property for an office use was previously adopted by City Council in April of 2006 (Ordinance No. 3349) and was amended on September 26, 2006 (Ordinance No. 3393) with a similar site plan allowing for a daycare use; and

WHEREAS, this proposed amendment is for a medical office use and an area for an additional professional office or one residential apartment for long-term rental within the existing structure and expansion of parking to support this use; and

WHEREAS, this request includes a portion of the parcel not previously included in earlier applications resulting in a rezoning from RS-8 district to INST CZ; and

WHEREAS, this rezoning is also deemed an amendment to the Future Land Use Map changing this parcel from Traditional Neighborhood to Traditional Corridor; and

WHEREAS, this proposed amendment is consistent with the Living Asheville A Comprehensive Plan for our Future, Smart Growth policies, and other official plans of the City and is determined to be reasonable, is in the public interest, and meets the development needs of the community for the following reasons:

a. The CZ will allow for the adaptive reuse of an existing structure.
b. The use is consistent with other uses along the McDowell Street corridor.
c. The proposed use (medical office and residential apartment) is similar in intensity to the previously approved use.
d. The CZ is compatible with current land uses and desired future land uses.
e. The CZ aligns with community character specified in the Living Asheville Comprehensive Plan.

200

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

> The zoning classification of that certain real property described in Exhibit A and identified on Buncombe County tax maps as PIN 9648-41-5818 and recorded in Deed Book 4310, Page 1777, and currently owned by Academy of Asheville, Inc., be amended by rezoning a portion of said parcel from Residential single family high density district (RS-8) to Institutional Conditional Zoning district (INST CZ) as shown on exhibit A.1, modifying the B.1 conditions as set out in Exhibit "B1", for the uses compliant with the site plans shown in Exhibit D, attached hereto and made a part hereof and amending the Future Land Use map from Traditional Neighborhood to Traditional Corridor as shown on exhibit C.1.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. The ordinances shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 5. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 28th day of August, 2018.

Magdalen Bourleson
City Clerk

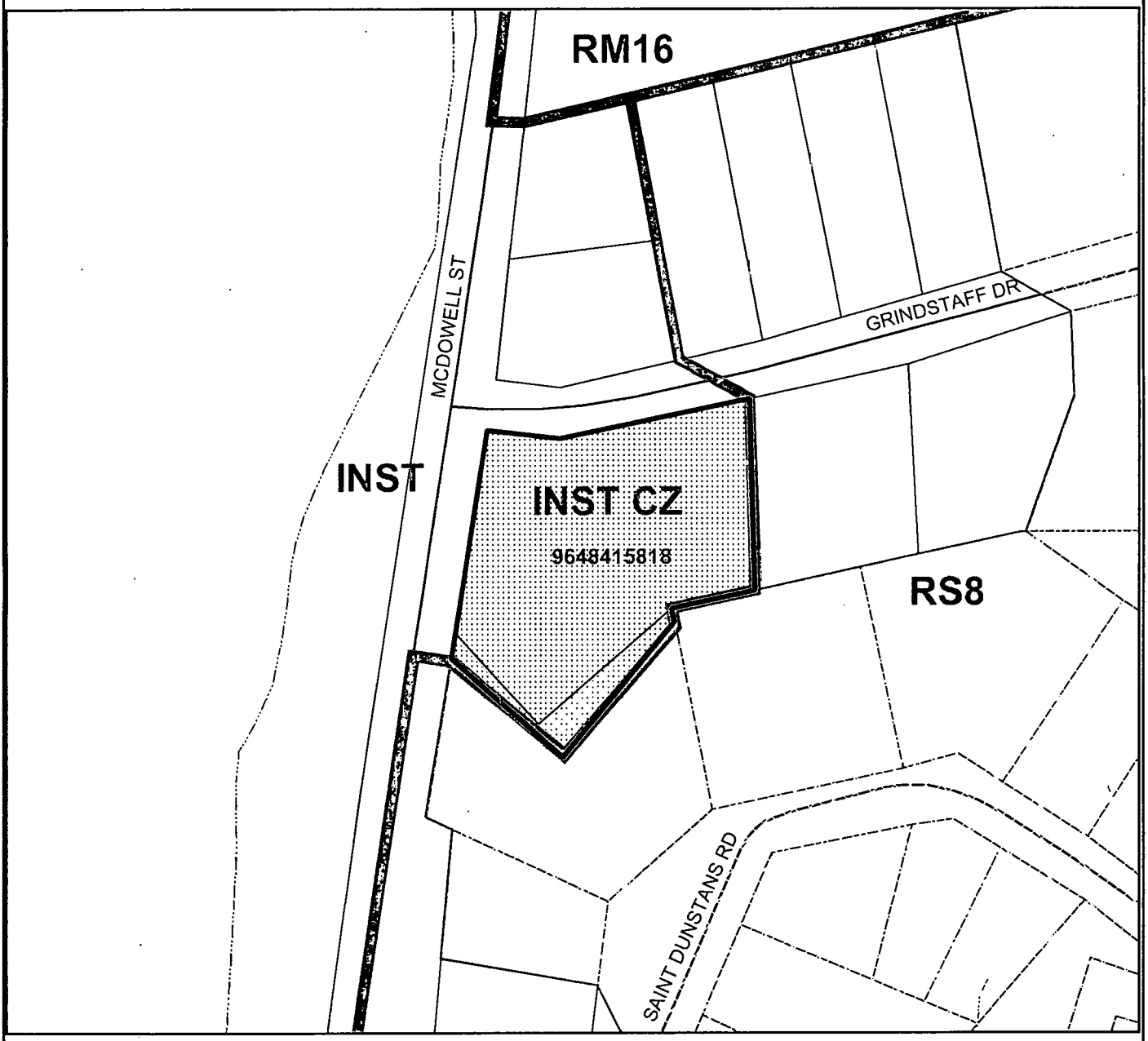
Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

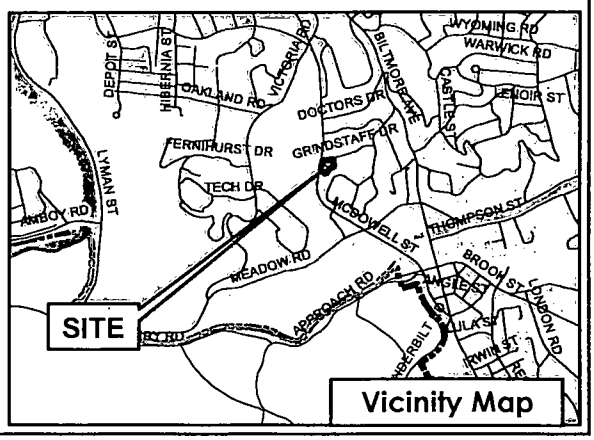
Magdalen Bourleson
City Clerk

City of Asheville - Exhibit A1 Proposed Zoning Map
Conditional Zoning Review
Campbell Dentistry - 430 McDowell Street



Project Name: Campbell Pediatric Dentistry
Project Number: 18-05015 PZ
Project Description: Conditional Zoning amendment
Petitioner(s): Mary Weber (agent)
Parcel ID Number(s): 9648-41-5818

Location/Address: 430 McDowell Street



Vicinity Map

Historic District
Project Site
Parcels
Conditional Zoning
Zoning Districts
Asheville City Limits
Streets
Streams

202

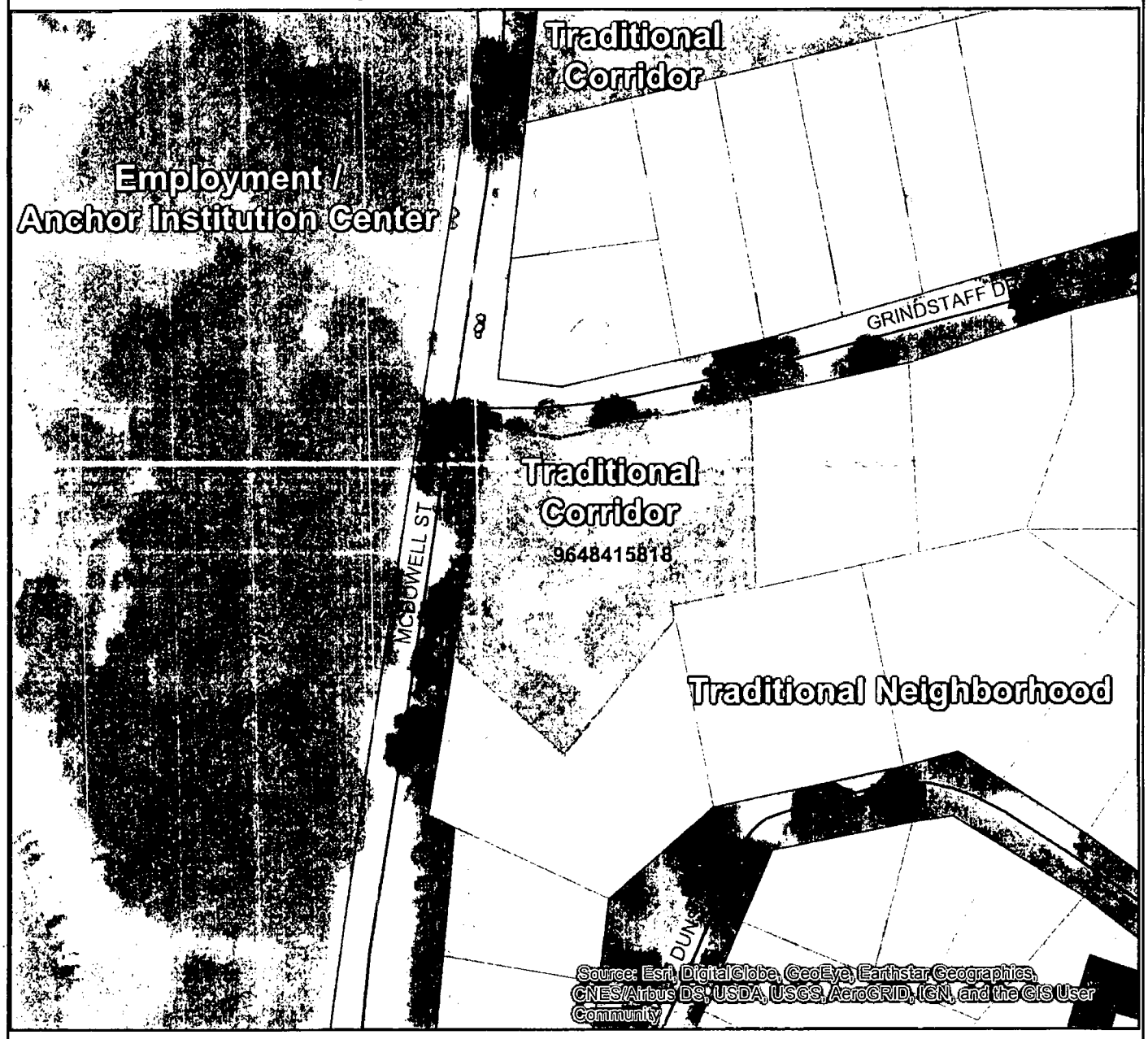
430 McDowell Street - Campbell Pediatric Dentistry
Exhibit B.1 - Conditions List

1. The zoning for the parcel at 430 McDowell Street (PIN 9648-41-5818) is Institutional Conditional Zone.
2. Uses on this parcel will be medical office and area for a additional professional office or one residential apartment for long-term rental within the existing structure. Other uses which the Planning Director or his designee determines to be the same or similar impact and are also allowed.
3. A sidewalk will not be installed along McDowell Street. A sidewalk easement (minimum of 10') that is wide enough to construct a sidewalk that meets city standards and any associated wall(s), necessary for the construction of the sidewalk will be provided to the City of Asheville for potential of a future sidewalk, prior to final certificate of occupancy.
4. Parking lot and retaining wall will encroach into the front setback on Grindstaff Drive up to 6 feet.
5. Reduction in the required width of buffer "B" landscaping. Buffer varies in width, shall be planted with a dense screen of evergreen trees and shrubs along with existing preserved trees as shown on plan.
6. Existing trees on McDowell Street will count to meet the required quantity for street tree counts; one additional street tree will be provided along Grindstaff Drive according to the attached site plan incorporated herein by reference.
7. A transit shelter and associated easement will be provided / installed at existing transit stop on McDowell Street that meets City of Asheville standards along with a crosswalk and associated ADA ramps across Grindstaff Drive, prior to final certificate of occupancy.
8. Sign shall be limited to one sign and meet sign standards as set in Section 7-3-4(2)(C)(b) for residential district (max of 25 sf per sign face, max. 6' in height).
9. The building design, site design, construction materials and orientation on site must substantially comply with the approved site plan which is incorporated herein by reference. Any major deviations from these plans may require an amendment to the conditional zoning approval.
10. All legally required local, state, and federal permits and approvals must be obtained prior to initiation of construction and any pertinent legal requirements shall be met.

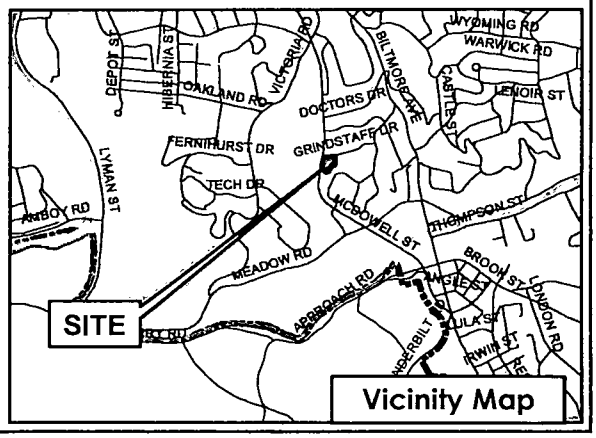
City of Asheville - Exhibit C1 Map Proposed Future Land Use
Conditional Zoning Review
Campbell Dentistry - 430 McDowell Street

ASHEVILLE

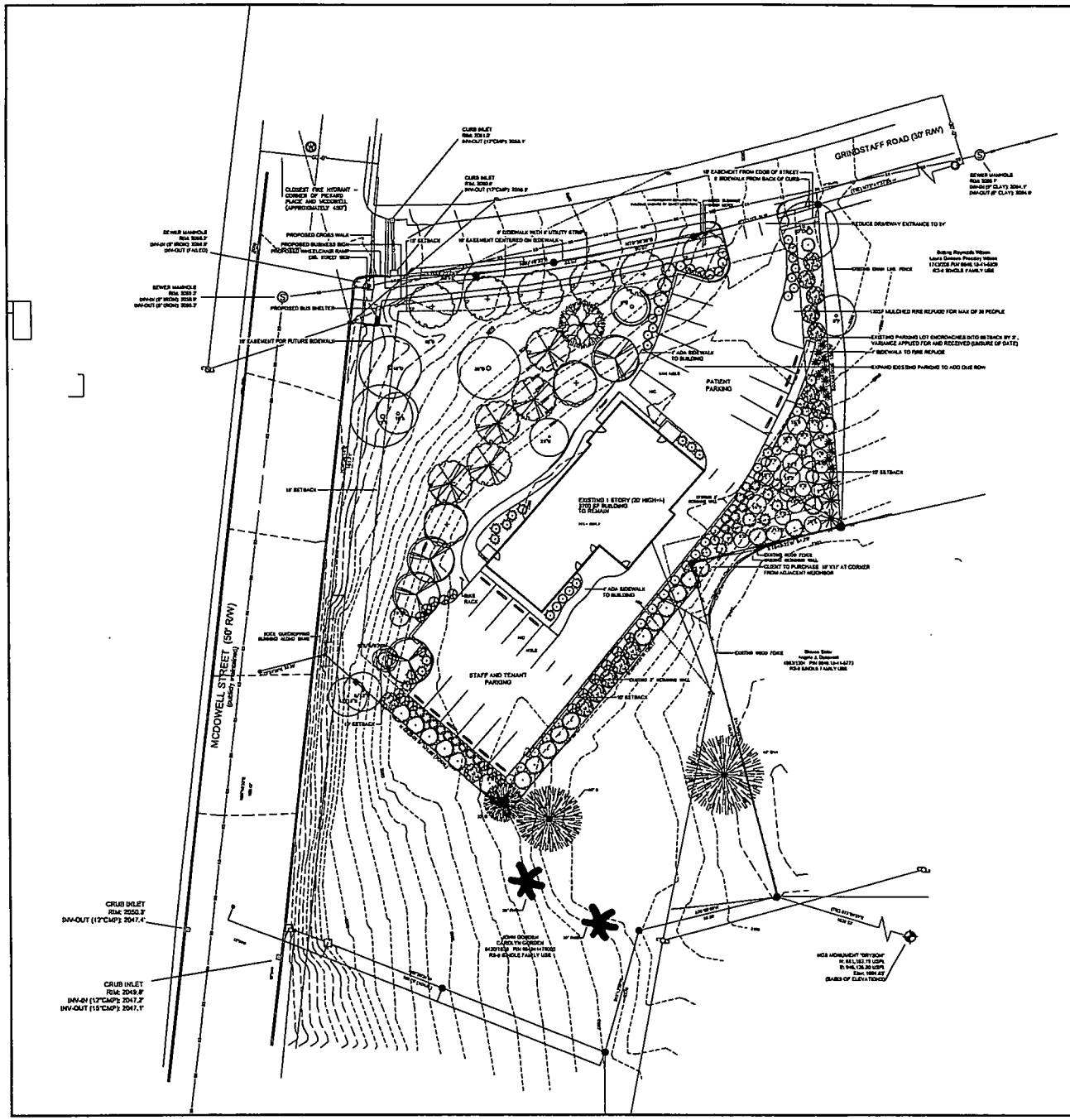
N W E S



Project Name:	Campbell Pediatric Dentistry
Project Number:	18-05015 PZ
Project Description:	Conditional Zoning amendment
Petitioner(s):	Mary Weber (agent)
Parcel ID Number(s):	9648-41-5818
Location/Address:	430 McDowell Street



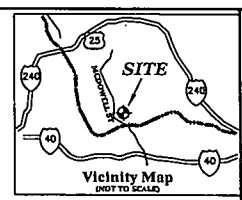
Project Site
Parcels
Asheville City Limits
Streets
Streams



LEGEND

- IRON PIN SET
- UNMARKED POINT
- IRON PIN FOUND
- NAIL SET
- IRON PIPE FOUND
- UTILITY POLE
- FIRE HYDRANT
- WATER METER
- SEWER MANHOLE
- GAS STRUCTURE
- DECIDUOUS TREE
- CONIFEROUS TREE
- SIGN

B: BEECH
CH: CHERRY
D: DOGWOOD
H: HICKORY
L: LOCUST
M: MAPLE
O: OAK
P: PINE
SG: SWEETGUM
T: TULIP POPLAR
W: WALNUT



GRAPHIC SCALE
1" = 30'
CONTOUR INTERVAL = 2 FEET

DEVELOPMENT DATA BLOCK

PROJECT NAME: CAMPBELL PEDIATRIC DENTISTRY

ADDRESS: 430 McDowell Street, Asheville, NC 28801

PIN: 9648.18-41-4717

ZONING: Institutional CZ

ACREAGE: 35,286SF/.81 Acres

BUILDING: 3700 SF - Existing one story

CONTACT PERSON:
Mary Weber Landscape Architecture
131 Evelyn Place, Asheville, NC 28801
828-281-3153
mary@maryweberdesign.com

CURRENT OWNER:
Ricky Graham
104 Peachtree Road, Asheville, NC 28801
828-545-4315

PROSPECTIVE OWNER/DEVELOPER:
Dr. Dennis Campbell
Campbell Pediatric Dentistry
172 Asheland Avenue, Asheville, NC 28801
828-254-7291
babyfoothdoc@charter.net

ARCHITECT:
George Stowe
184 East Chestnut, Asheville, NC 28801
828-251-2357
gstowearchitect@bellsouth.net

DISTURBED AREA: 18000SF/.41 AC.

IMPERVIOUS SURFACE:
Total: 8750 SF pre-construction; 18,645 SF post-construction (37% of site impervious).

PARKING REQUIREMENT:
9 employees, 6 patients with parents, 1 renter, 5 extra

Required: 15-18 spaces
Provided: 19 spaces (including 2 accessible)
Bike rack provided

OPEN SPACE REQUIREMENT: N/A

LIGHTING: All lighting shall be equipped with 90 degree cutoff features and be directed away from adjoining properties and streets. Any lighting will meet City of Asheville Lighting standards.

NORTH CAROLINA LANDSCAPE ARCHITECT LICENSED 0855 MARY WEBER

MWEBER
LANDSCAPE ARCHITECTURE, PLLC
Member of the American Society of Landscape Architects
131 Evelyn Place
Asheville, NC 28801
Phone: 828-281-3153
mary@maryweberdesign.com

CAMPBELL PEDIATRIC DENTISTRY
430 MCDOWELL STREET, ASHEVILLE, NC

MASTER PLAN

DATE: 7/25/18

S-2

ORDINANCE NO. 4698

ORDINANCE AMENDING CHAPTER 11, SECTION 18 AND APPENDIX B, SECTION G, OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE TO REGULATE TRESPASS TOWING FROM PRIVATE PARKING LOTS

WHEREAS, pursuant to N.C. Gen. Stat. § 160A-175, the City has the authority to define, prohibit, regulate, or abate acts, omissions, or conditions, detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the City; and

WHEREAS, Asheville City Code Section 11-18 current provides regulations for the act of non-consensual towing and booting (immobilization) of vehicles from certain private property within the City, and Appendix B, Section G, provides civil penalties for violations of City Code Section 11-18; and

WHEREAS, the City desires to amend Asheville City Code Section 11-18 and Appendix B, to provide additional regulations to further protect citizens whose vehicles are towed from private parking lots within the City;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. Section 11-18 of the Asheville City Code is amended and replaced in its entirety to read as follows:

Sec. 11-18. - Pre-towing notices on private lots.

(A) Definitions. The following definitions shall apply to this Section.

(1) *Booting Service.* Any person or business that engages in, or owns or operates a business that engages in, immobilizing or "booting" of motor vehicles for a fee.

(2) *Trespass towing.* The act of towing, removing or storing a motor vehicle that is parked or left on a private parking lot without the private property owner's or lessee's consent, and that is towed, removed or stored without the consent of the motor vehicle operator, i.e., a non-consensual tow.

(3) *Vehicle operator.* Registered vehicle owner, vehicle operator, or other person legally responsible for a motor vehicle.

(4) *Motor vehicle.* The definition of "Class C Motor Vehicle" contained in N.C.G.S. 20-4.01 is hereby incorporated by reference.

(5) *Private parking lot.* A privately-owned area created, designed or used for the parking of motor vehicles. As used herein, a private parking lot does not include driveways, yards of residences, or areas owned or leased by the City or another government entity.

(6) *Tow service.* Any person or business that engages in, or that owns or operates a business that engages in, towing or removing motor vehicles for a fee.

(7) *Trespass vehicle.* Any motor vehicle that is parked or left in a private parking lot without permission or authority from the property owner, lessor, or person in legal control of said lot.

(8) *Storage facility.* A place to which trespass vehicles are transported and stored in connection with a trespass tow.

(B) Authority and Scope of Section.

(1) This Section is enacted in furtherance of the City's authority, pursuant to N.C. Gen. Stat. § 160A-174, to define, prohibit, regulate, or abate acts, omissions, or conditions, detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the City.

(2) The provisions of this section shall apply to private property located within: the Central Business District, the Biltmore Historic District, the River Arts District, and the Haywood Road Districts, as set forth in the official zoning map of the city, upon which a private parking lot is located. The provisions of this section shall also apply to private parking lots located within the City that provide parking spaces for a fee.

(3) Notwithstanding any other provision of this section, no notice shall be required for the towing or removal or immobilization of a vehicle if:

(i) the vehicle obstructs adequate ingress and egress to businesses or residences;

(ii) the vehicle has been left on the private property for a period of time greater than 48 hours; or

(iii) the vehicle is being removed pursuant to the direction of a law enforcement officer or city employee in accordance with the provisions of the Asheville City Code or state law.

(4) This Section shall not apply to:

(i) the towing of vehicles due to statutory parking violations, such as parking in spaces designated for handicap parking, or parking in fire lanes; or

(ii) The authority of the police, fire department or other public officer to direct the towing or immobilization of a motor vehicle, as authorized by other provisions of this Code or state law.

(5) This Section does not limit other legal remedies that a private property owner may have against a person trespassing on private property, and only applies to and limits the use of trespass towing and booting, as specified herein.

(C) Advance Notice of Trespass Towing and Booting Required.

(1) It shall be unlawful for any person or entity to authorize, direct, engage in, or contract for trespass towing or the booting or immobilization of a trespass vehicle, by the use of a wheel lock or other method, unless advance notice is

provided and posted on the private property from which the towing, removal, or immobilization is made, in accordance with the provisions set forth below:

(a) A notice, in the form of a sign structure, not less than 24 inches by 24 inches in size and not larger than six square feet, shall be prominently placed on the private property at each access or curb cut allowing vehicular access to the property, within five feet of the street right-of-way line. If there are no curb or access barriers, signs shall be posted not less than one sign each 50 feet of the frontage to the public street. As an alternative, notice, in the form of a sign structure, not less than 12 inches by 18 inches in size, shall be posted at each parking space from which an unauthorized vehicle could be towed, removed, or immobilized.

(b) The notice shall clearly display the following:

(i) In not less than one-and-one-half inch high letters on a contrasting background, the words "tow-away" or "tow-away-zone" or "towing enforced."

(ii) In not less than one inch high letters on a contrasting background, a statement indicating that parking by unauthorized vehicles is prohibited by the use of a phrase such as "private property", "leased parking", "no parking", "parking for customers only", "parking for residents only", or a similar phrase. If parking by unauthorized vehicles is prohibited on a 24-hour per day basis, the sign shall so state, and shall state the days of the week during which said prohibition is in effect. If parking by unauthorized vehicles is not prohibited on a 24-hour continuous basis, the sign shall state the days of the week and hours of the day during which unauthorized parking is prohibited. The sign shall also state the cost for the tow and for recovery of the vehicle, which may be stated as a total cost, and shall include any storage fees.

(iii) In not less than one-half inch high letters on a contrasting background, the telephone number at which a person available to release the vehicle that has been towed, removed, or immobilized may be contacted at any time. Calls to the telephone number must be answered by a person, and a person with the authority and ability to release the vehicle must respond to the location of the vehicle within 30 minutes of a call.

(c) The sign structure displaying the required notices shall be permanently installed with the bottom of the sign not less than one foot above ground level and not more than 8 feet above ground level. Pedestrian safety shall be taken into consideration when locating freestanding signs.

(d) All signs in the Biltmore Historic District shall comply with Chapter 5, Guideline 24, Book 1 of the Biltmore Village Historic District Design Guidelines.

(D) Trespass Towing and Immobilization (Booting) Practices.

(1) Any tow service that has initiated a trespass tow by, at a minimum, positioning a tow truck or wrecker in preparation for securing the trespass vehicle to the tow truck by a hook,

chain, cable or similar device, but has not removed the trespass vehicle from the private lot shall upon request of the vehicle operator, release said vehicle upon payment of the release fee.

(2) Any tow service that is engaged in a trespass tow shall, upon request of the vehicle operator, permit the vehicle operator to have access to the trespass vehicle for the purpose of retrieving personal property therefrom.

(3) Any booting service that engages in the booting or immobilization of a vehicle, or any tow service that engages in a trespass tow shall accept at least two nationally recognized credit or debit cards (such as MasterCard or Visa) in payment for any fee established in this ordinance.

(4) The lot or facility to which any trespass vehicle is removed shall be located within a ten-mile radius of the area from which the vehicle was removed, and shall be secured and lighted in such a manner as to keep the vehicle safe from break-ins or damage while in storage. A fenced storage yard with average surface level lighting of two footcandles shall be deemed compliant with this section.

(5) Any booting service that engages in the booting or immobilization of a vehicle, or any tow service that engages in a trespass tow shall, within 30 minutes of immobilizing or removing the vehicle from the private lot report, to the Asheville Police Department by telephone communication the fact that a vehicle was towed or booted and shall provide a description of the vehicle including make, color, and license tag number.

(6) Any booting service that engages in the booting or immobilization of a vehicle, or any tow service that engages in a trespass tow shall have a person on call 24 hours every day who is capable of acknowledging requests to retrieve a towed vehicle or to remove the immobilization device within 15 minutes of receiving such request, and of releasing said vehicle within 45 minutes of receiving the request.

(7) Immobilizing or removing a vehicle that is not a trespass vehicle from a private lot without the consent of the vehicle operator shall be a violation of this section, and shall subject the offender to civil penalties in an amount three times the amount specified in Appendix B.

(8) Interference with any booting service that is carrying out the booting or immobilization of a vehicle, or any tow service that is carrying out a trespass tow, except to request release of, access to, or retrieval of the vehicle, is a violation of this section.

(E) Penalties. The provisions of this section shall be enforced by the city manager or his designee, and shall be subject to civil penalties as prescribed in Appendix B, and may be enforced by equitable remedies as set forth in section 1-5. Violations of this section are not subject to criminal penalties.

Section 2. Appendix B, Section G of the Asheville City Code is amended and replaced in its entirety to read as follows:

G. Violations of pre-towing notice provisions established in section 11-18.
(1) Within a one year period, civil penalties shall be as follows:

First violation $200.00

Second violation $300.00
Third violation $500.00
Fourth violation $750.00
Fifth violation $1,000.00

(2) Once the one year period has run from the first violation, the next violation shall be considered to be a first

Section 3. If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 5. This ordinance is effective upon adoption.

Read, approved and adopted this 28th day of August, 2018.

Magdalen Burleson
City Clerk

Esther E. [illegible]
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

210

ORDINANCE NO. 4699

ORDINANCE AMENDING ZONING FOR PROPERTY LOCATED AT
99999 & 643 BREVARD ROAD

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article19 of Chapter 160A of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this proposed amendment is consistent with the Living Asheville: A Comprehensive Plan for our Future, Smart Growth policies, and other official adopted plans of the City, and is determined to be reasonable and in the public interest for the following reason:

a. Allows for higher density residential,
b. Is compatible with current land use in this area, and
c. The rezoning is compatible with current land uses and desired future land uses as indicated in the new Comprehensive Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

The zoning classification of that certain real properties described in Exhibit A and identified on Buncombe County tax maps as PINs 9627-92-4999 & 9627-93-8189, recorded in Deed Book 2556, Page 0192 & Deed Book 5691, Page 0854; and recombination of said parcels recorded in Deed Book 5691, Page 858 and currently owned by Leasing and Equipment Sales Co. Inc. from Residential Single Family High Density District (RS8) to Community Business II District. A copy of the official zoning map showing said lot is attached hereto as Exhibit "A.1" and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed, to the extent of such conflict.

Section 5. The ordinances shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 6. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 11th of September, 2018.

Magdalen Bouleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

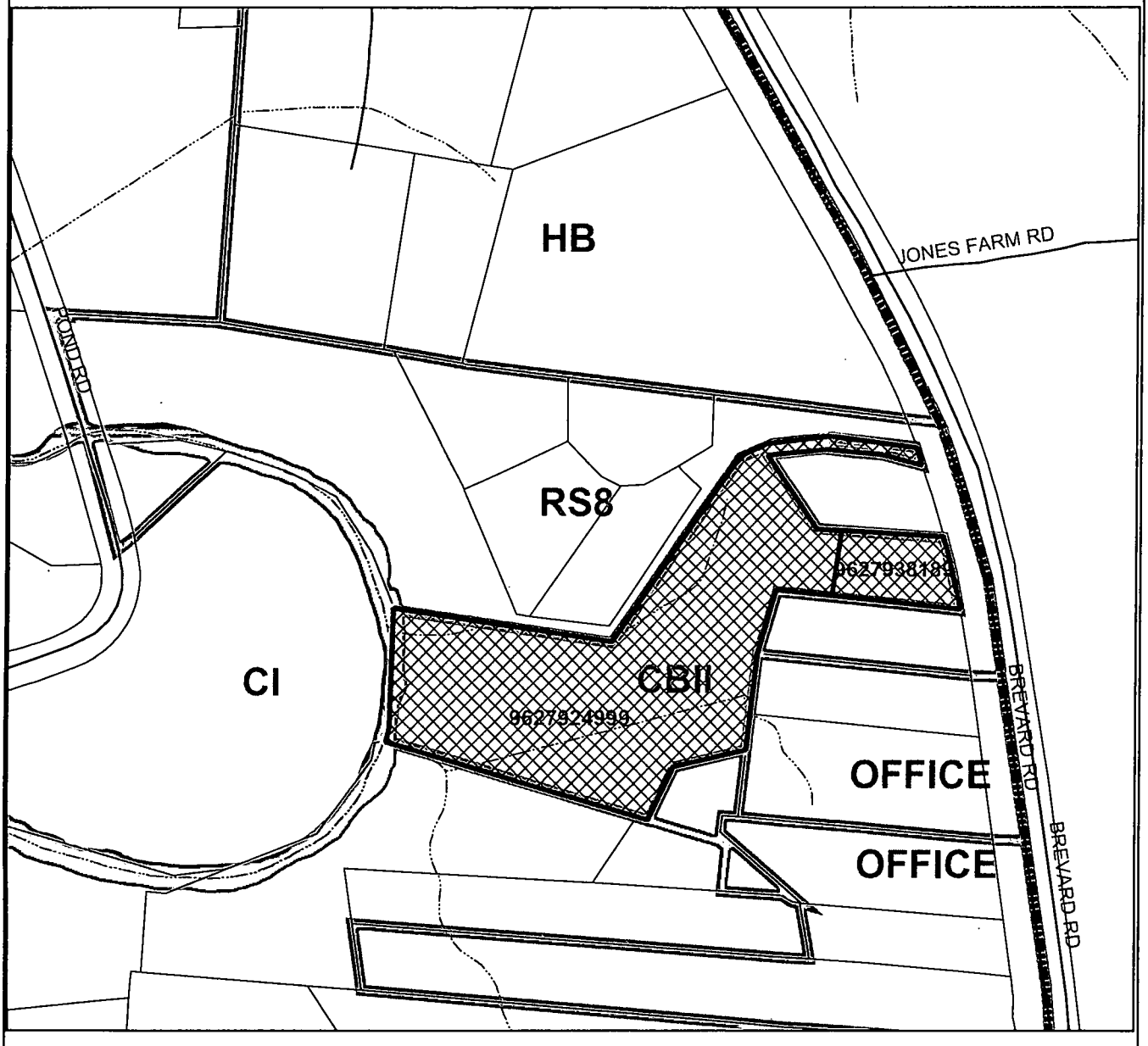
Magdalen Bouleson
City Clerk

212

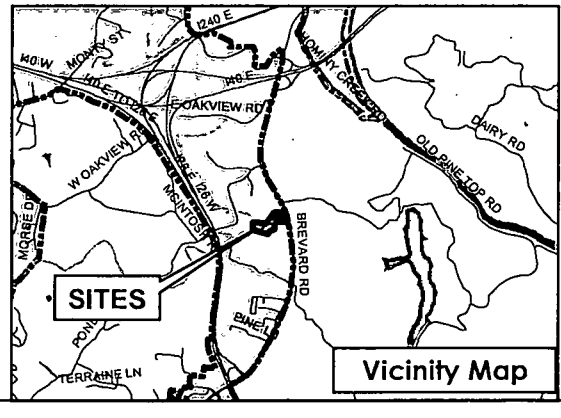
City of Asheville - Exhibit A1 Map Proposed Zoning
Rezoning - 643 & 647 (9999) Brevard Rd.

ASHEVILLE

N W E S



Project Name:	Rezoning
Project Number:	18 - 03084 PZ
Project Description:	Rezoning from RS-8 to CBII
Petitioner(s):	Robert W. Oast (agent)
Parcel ID Number(s):	9627-92-4999 9627-93-8189
Location/Address:	643 & 647 (9999) Brevard Rd.



Project Site
Parcels
Zoning Districts
Asheville City Limits
Streets
Streams

City of Asheville Planning and Development Department - September 2018

ORDINANCE NO. 4700

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made a part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 25th day of September, 2018.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

PURPOSE: High Intensity Drug Traffic Area (HIDTA) 2017 Grant Modification # 3

Magdalen Burleson
City Clerk

214

CITY OF ASHEVILLE

BUDGET AMENDMENT

FISCAL YEAR	EFFECTIVE DATE
2018/19	9/25/2018

Purpose: To modify the budget for HIDTA 2017.

Requesting Department: Police

Amendment to: Grant Fund

Account		Current Budget	Amended Budget	Increase (Decrease)
Revenues				
22000121-435000-P1808	Restricted Intergov Federal Grants	$ 47,335.00	$ 102,974.69	$ 55,639.69
Expenditures				
22000121-528304-P1808	Police Special Purposes	$ 47,335.00	$ 102,974.69	$ 55,639.69
BALANCE				**$ - .00**

ORDINANCE NO. 4701

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 25th day of September, 2018.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

PURPOSE: DWI Task Force

Magdalen Burleson
City Clerk

216

CITY OF ASHEVILLE

BUDGET AMENDMENT

FISCAL YEAR	EFFECTIVE DATE
2018/19	9/25/2018

Purpose: To establish budget for the DWI Task Force continuation into Year 6.

Requesting Department: Police

Amendment to: Grant Fund

	Account	Current Budget	Amended Budget	Increase (Decrease)
Revenues				
22000122-435000-P19xx	Restricted Intergov Federal Grants	$ -	$ 112,819.72	$ 112,819.72
22090122-498100-P19xx	Oper Transfers from General Fund	$ -	$ 232,438.25	$ 232,438.25
22000122-483000-P19xx	In-Kind External Participation	$ -	$ 106,020.93	$ 106,020.93
Expenditures				
22000122-511999-P19xx	Contra Salaries and Wages	$ -	$ 309,917.67	$ 309,917.67
22000122-527101-P19xx	Awarded Grants	$ -	$ 35,340.30	$ 35,340.30
22000122-521000-P19xx	In-Kind Services - External	$ -	$ 106,020.93	$ 106,020.93
BALANCE				**$ 0.00**

ORDINANCE NO. 4702

ORDINANCE ESTABLISHING CONDITIONAL ZONING FOR PROPERTY LOCATED AT 511 BREVARD ROAD

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this proposed amendment is consistent with the City's Living Asheville Comprehensive Plan and is determined to be to be reasonable and in the public interest for the following reasons:

a) the project is located in a well established commercial area;
b) increases pedestrian connectivity; and
c) a new shelter will be built at an existing ART stop on Brevard Road.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

The zoning classification of that certain real property described in Exhibit A and identified on Buncombe County tax maps as PIN 9627.97-4214 recorded in Deed Book 4506, Page 1732 and currently owned by Big Island Land Co. from Highway Business (HB) to Lodging Expansion Conditional Zone District (LODG-EXP CZ) and Highway Business Conditional Zone District (HB-CZ). A copy of the official zoning map showing said lot is attached hereto as Exhibit "A" and made a part hereof. Said rezoning is subject to the conditions set out in Exhibit "B.1", and substantially complies with the site plans shown in Exhibit "C", both attached hereto and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. The ordinances shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 5. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 9th day of October, 2018.

Magdalen Burleson
City Clerk

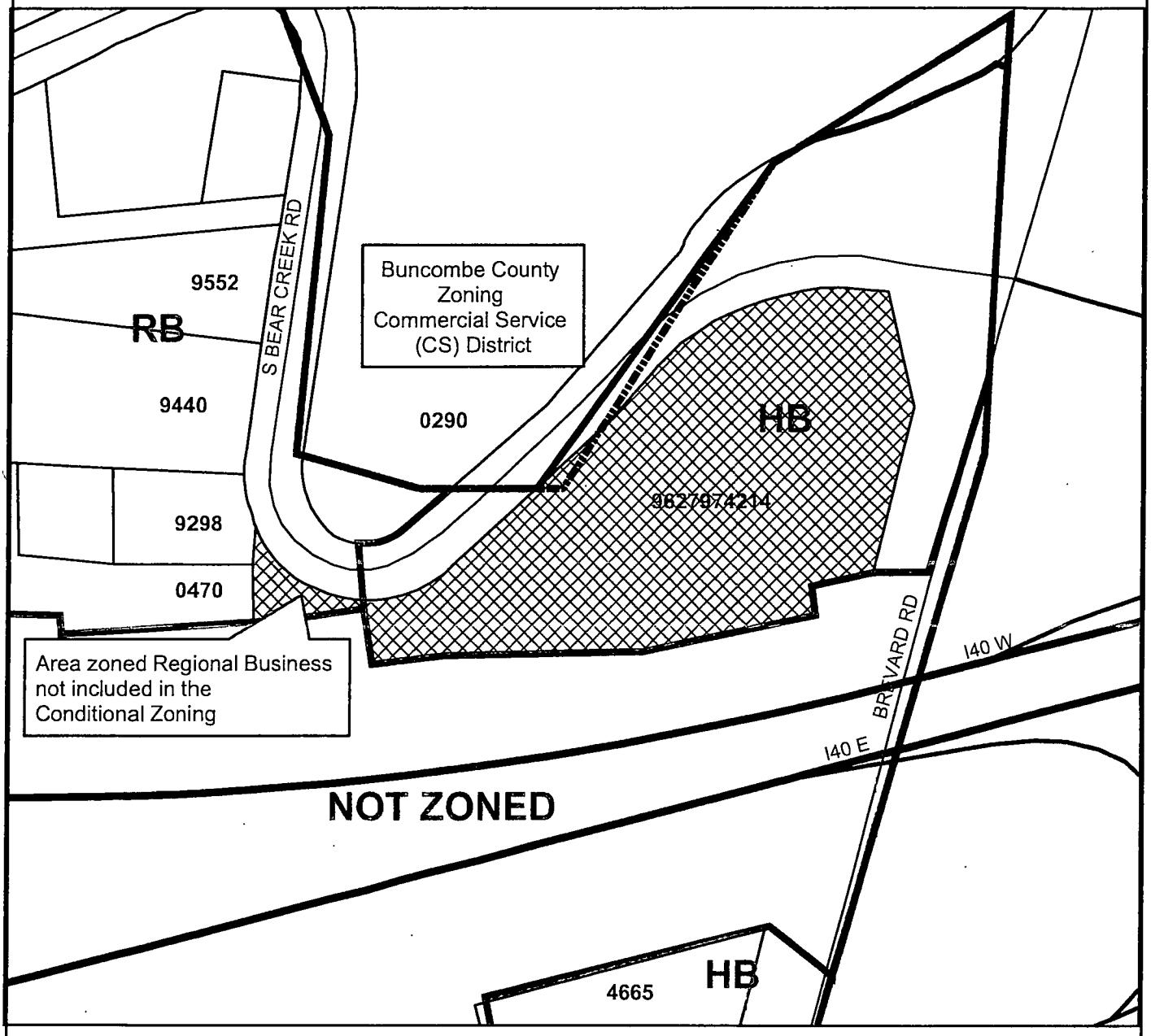
Esther E. Manheimer
Mayor

Approved as to form:

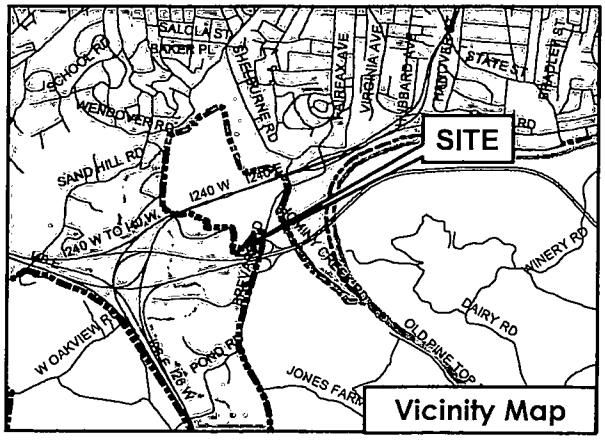
Sabrina P. Roberts
City Attorney

Magdalen Burleson
City Clerk

City of Asheville - Exhibit A Map
Conditional Zoning Review
511 Brevard Road



Project Name: MainKent Street Street Rezoning
Project Number: 18-05027 PZ
Project Description: 106 Room Hotel and Outparcel Lodging Expansion CZ District
Petitioner(s): Ford Elliot
Parcel ID Number(s): 9627-97-4214
Location/Address: 511 Brevard Road



Project Site
Parcels
Zoning Districts
Asheville City Limits
Streets
Streams

City of Asheville Planning and Urban Design Department - April 2018

B-1 Conditions
Mainstay Suites at Brevard Road
October 1, 2018

1. The zoning for the property is Lodging Expansion – Conditional Zone (LODG EXP-CZ), Highway Business - Conditional Zone (HB-CZ) and Regional Business (RB).

2. The approval is for a new four-story hotel with a maximum of 106 guest rooms and not more than 106 parking spaces. Overall height of the new building will not exceed 70 feet.

3. The parent tract of 3.03 acres, PIN 9627-97-4214, as indicated on the Exhibit A and B map and site plan which are attached hereto and incorporated herein by reference, shall be subdivided into three (3) tracts. The hotel will be built on a new parcel, consisting of 2.2 acres (henceforth referred to as Lot 1 and is shown on Exhibit B.2, which is attached hereto and incorporated herein by reference) and will be zoned Lodging Expansion-Conditional Zone (LODG EXP-CZ). A second parcel consisting of 1.1 acres (henceforth referred to as Lot 2 and is shown on Exhibit B.2), will be created at the intersection of Brevard Road and South Bear Creek Road and will be zoned Highway Business Conditional Zone (HB-CZ). The smaller remainder of the parcel to the west, which Applicant maintains it does not own, will remain zoned Regional Business. The subdivision of the parent tract will take place before the issuance of the Certificate of Occupancy (CO).

4. A new five-foot (5'-0") sidewalk with a five-foot (5'-0") landscape strip shall be constructed along the entire frontage of Lot 1 (to be zoned LODG-EXP CZ) and Lot 2 (to be zoned HB-CZ) along South Bear Creek and Brevard Road. A sidewalk and crosswalk will connect the sidewalk on South Bear Creek to the hotel building. A sidewalk will connect the hotel building to a the new sidewalk along Brevard Road. All of these features shall be as indicated on the approved site plan attached as Exhibit B.2, which is incorporated herein by reference. Location of sidewalks in NCDOT ROW will be subject to NCDOT approval.

5. A standard transit shelter will be constructed by the applicant on Brevard Road (currently stop #865) at a location to be determined with the Asheville Transportation Department, in its sole discretion. The shelter will be installed by time of CO.

6. The hotel owner/operator/developer will provide a shuttle service for guests to reasonable locations (i.e. the Airport, Downtown, Asheville Outlet Mall, nearby retail locations).

7. The applicant will install a pedestrian signal across S. Bear Creek Road. The signal will be coordinated with city and NCDOT staff and will be installed by time of Certificate of Occupancy (CO). Fulfillment of this condition is subject to approval by NCDOT. If NCDOT does not approve, as confirmed in writing, this condition shall not be required.

8. The City will request that NCDOT approve and build a pedestrian crossing across Brevard Road from the north side of South Bear Creek to the east side of Brevard Road at their cost. The applicant agrees to provide property for additional ROW to the extent they own such property and to the extent needed for the pedestrian crossing for Brevard Road. Fulfillment of this condition is subject to approval by NCDOT. If NCDOT does not approve, as confirmed in writing, this condition shall not be required.

9. There must be at least 14,375 square feet (15% of project site) of open space, with landscape features as indicated on the approved site plan, which is incorporated herein by reference.

10. Landscaping will meet the requirements of the UDO and includes street trees, building impact landscaping, vehicular use area landscaping, and dumpster screening as indicated on the approved landscape plan in Exhibit C, which is incorporated herein by reference.

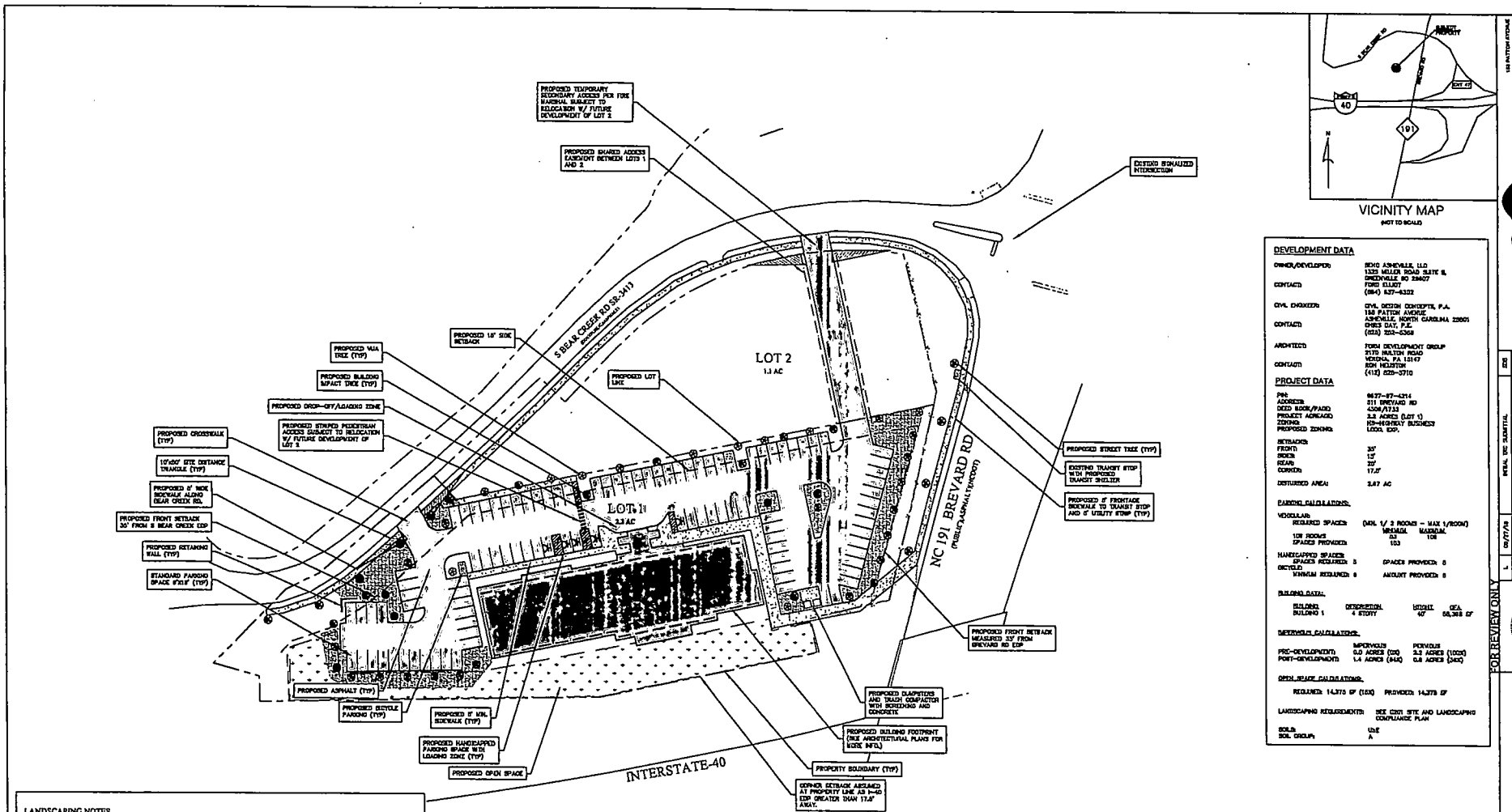
11. The project will provide an easement to Buncombe County for a future greenway connection along Brevard Rd. Easement on the project property will be will be between 5-15 feet wide and coordinated with Buncombe County and recorded before CO. If Buncombe does not desire a greenway easement on the property as confirmed in writing, this condition will not be required.

12. Future uses on Lot 2 shall conform to uses permitted in the Highway Business District and comply with all applicable standards as required in the UDO and other technical standards. No drive-throughs will be permitted on Lot 2.

13. Signage shall be as allowed under the UDO for Highway Business zoning.

14. The building design, site design, construction materials, and orientation on site must substantially comply with the approved site plan, which is incorporated herein by reference. Any major deviations from these plans will require a rezoning by the City Council.

15. All legally required local, state, and federal permits and approvals must be obtained prior to initiation of construction and any pertinent legal requirements shall be met.



VICINITY MAP
(NOT TO SCALE)

DEVELOPMENT DATA

OWNER/DEVELOPER:	SEKO ASHEVILLE, LLC 1325 MILLER ROAD SUITE B GREENVILLE SC 29607
CONTACT:	FORD ELLIOT (864) 527-6322
CIVIL ENGINEER:	CIVIL DESIGN CONCEPTS, P.A. 158 PATTON AVENUE ASHEVILLE, NORTH CAROLINA 28801
CONTACT:	CHRIS DAY, P.E. (828) 252-0366
ARCHITECT:	FORM DEVELOPMENT GROUP 2170 HULTON ROAD VERONA, PA 15147
CONTACT:	ROH HOLSTON (412) 828-3710

PROJECT DATA

PIN:	9637-87-4314
ADDRESS:	211 BREVARD RD
DEED BOOK/PAGE:	4306/1133
PROJECT ACREAGE:	3.3 ACRES (LOT 1)
ZONING:	HB-HIGHWAY BUSINESS
PROPOSED ZONING:	LOCAL EXP.

SETBACKS:

FRONT:	35'
SIDES:	15'
REAR:	20'
CORNER:	17.5'

DISTURBED AREA: 2.87 AC

PARKING CALCULATIONS:

VEHICULAR:
REQUIRED SPACES: (MIN. 1/ 3 ROOMS – MAX 1/ROOM)

	MINIMUM	MAXIMUM
108 ROOMS	36	108
SPACES PROVIDED:	103	

HANDICAPPED SPACES:
SPACES REQUIRED: 5 SPACES PROVIDED: 5

BICYCLE:
MINIMUM REQUIRED: 8 AMOUNT PROVIDED: 8

BUILDING DATA:

BUILDING	DESCRIPTION	HEIGHT	GFA
BUILDING 1	4 STORY	40'	56,368 SF

IMPERVIOUS CALCULATIONS:

	IMPERVIOUS	PERVIOUS
PRE-DEVELOPMENT:	0.0 ACRES (0%)	3.3 ACRES (100%)
POST-DEVELOPMENT:	1.4 ACRES (44%)	0.8 ACRES (24%)

OPEN SPACE CALCULATIONS:
REQUIRED: 14,375 SF (15%) PROVIDED: 14,375 SF

LANDSCAPING REQUIREMENTS: SEE C201 SITE AND LANDSCAPING COMPLIANCE PLAN

SOILS: Uhf
SOIL GROUP: A

LANDSCAPING NOTES

1. ALL LANDSCAPING SHALL BE IN ACCORDANCE WITH ALL CITY OF ASHEVILLE REGULATORY STANDARDS AND ALL REQUIREMENTS IN THE PROJECT TECHNICAL SPECIFICATIONS. CONSULT ENGINEER TO FIELD ADJUST LANDSCAPING AS NECESSARY.
2. THE CONTRACTOR IS TO NOTIFY ALL UTILITY COMPANIES AT LEAST 72 HOURS BEFORE CONSTRUCTION ACTIVITY IS TO BEGIN. THE CONTRACTOR SHALL NOTIFY NC ONE CALL AT 1-800-632-4949 OR 811, 72 HOURS BEFORE CONSTRUCTION BEGINS.
3. STREET TREE SPECIES WITHIN RIGHT-OF-WAY TO BE COORDINATED WITH CITY OF ASHEVILLE ARBORIST.
4. ALL GROUND COVER TO BE MULCH PER CITY OF ASHEVILLE PERMANENT SEEDING REQUIREMENTS.
5. TREES TO COMPLY WITH COA UDO AS FOLLOWS:
   LARGE-MATURING DECIDUOUS TREE:
   GREATER THAN 30 FEET AT MATURITY. MINIMUM SIZE AT PLANTING SHALL BE TWO INCHES CALIPER AND 12' TO 14' HEIGHT.
   SMALL-MATURING DECIDUOUS TREE:
   SMALLER THAN 35 FEET AT MATURITY. THE MINIMUM TREE SIZE SHALL BE AT LEAST ONE AND ONE-HALF INCH CALIPER OR EIGHT TO TEN FEET HIGH AT TIME OF PLANTING.
   EVERGREEN TREE:
   MINIMUM HEIGHT OF 8 FEET AT TIME OF PLANTING.
6. DUE TO EXISTING TREES TO REMAIN THROUGHOUT THE SITE, THE FINAL NUMBER OF TREES AND SHRUBS REQUIRED AND PROVIDED WILL BE BY AGREEMENT WITH THE CITY OF ASHEVILLE PLANNING DEPARTMENT BASED UPON AN ON-SITE INVENTORY.
7. LANDSCAPE CONTRACTOR MUST COORDINATE THE LOCATION OF THE TREES TO AVOID EXISTING AND PROPOSED SEWER/WATER LINES AND SEWER/WATER LINE EASEMENTS. NO TREES ARE ALLOWED TO BE PLANTED IN SUCH EASEMENTS.
8. THE OWNER / CONTRACTOR SHALL SELECT ALL PROPOSED PLANTINGS FROM THE RECOMMENDED SPECIES LIST IN THE CITY OF ASHEVILLE'S CURRENT UNIFIED DEVELOPMENT ORDINANCE (UDO). IT IS RECOMMENDED THE OWNER / CONTRACTOR VERIFY SELECTIONS FOR SUITABILITY WITH A QUALIFIED LANDSCAPE ARCHITECT PRIOR TO PLANTING

PLANTING SUMMARY:

STREET TREES (BREVARD RD) (EX):
1 SMALL MATURING TREE PER 40 LF OF STREET FRONTAGE
180 FT FRONTAGE = 5 TREES
TREES REQUIRED = 5
TREES PROVIDED = 5

STREET TREES (S BEAR CREEK RD) (EX):
1 SMALL MATURING TREE PER 40 LF OF STREET FRONTAGE
100 FT FRONTAGE = 3 TREES
TREES REQUIRED = 3
TREES PROVIDED = 3

BUILDING IMPACT (EX):
1 TREE AND 2 SHRUBS PER 1000 SF
TOTAL BUILDINGS 14,000 SF FOOTPRINT = 14 TREES AND 28 SHRUBS
TREES REQUIRED = 14
TREES PROVIDED = 14
SHRUBS REQUIRED = 28
SHRUBS PROVIDED = 28

VEHICULAR USE AREA (VUA):
1 TREE AND 4 SHRUBS PER 1500 SF OF VUA
(25% TREES TO BE LARGE MATURING)
11,300 SF = 28 TREES AND 113 SHRUBS
TREES REQUIRED = 28
TREES PROVIDED = 28
SHRUBS REQUIRED = 113
SHRUBS PROVIDED = 113

811
Know what's below.
Call before you dig.

NORTH

SITE AND LANDSCAPING COMPLIANCE PLAN

GRAPHIC SCALE

(IN FEET)
1 inch = 40 ft.

CDC Civil Design Concepts, PA
158 PATTON AVENUE
ASHEVILLE, NC 28801
PHONE (828) 252-0366
FAX (828) 252-0366
www.civildesignconcepts.com
NC FIRM LICENSE #: C-2198
ED WALLACE STREET - REDDY & ASSOCIATES, PA
PHONE (828) 253-4416
FAX (828) 253-8421

SYM.	DATE	DESCRIPTION	BY
L	06/21/18	INITIAL DRC SUBMITTAL	ECS
S	07/31/18	INITIAL PAZ SUBMITTAL	CDD

FOR REVIEW ONLY

PRELIMINARY NOT RELEASED FOR CONSTRUCTION

SITE AND LANDSCAPING PLAN FOR:

MAINSTAY SUITES AT BREVARD RD

SEKO ASHEVILLE, LLC – ASHEVILLE, NORTH CAROLINA

DRAWN BY: ECS
CDD PROJECT NO.: 11818
COA PERMIT NO.: 18-05027 P2

SHEET
C201

Exhibit C 1 of 3

DEVELOPMENT DATA BLOCK	
NAME OF PROJECT	MAINSTAY SUITES - ASHEVILLE, NC
PROJECT ADDRESS	511 BREVARD ROAD ASHEVILLE, NC 28806
PROPERTY OWNER	FORD ELLIOTT SVN BLACKSTREAM 7C BRENDAN WAY GREENVILLE, SC 29615 864-607-4002
PROPERTY PIN #	9627-07-4214
ZONING DISTRICT	CURRENT: HB (ASHEVILLE) PROPOSED: LODGING EXPANSION
BUILDING INFORMATION	NUMBER OF BUILDINGS: 1 NUMBER OF GUESTROOMS: 87 BUILDING HEIGHT: 52'-10 3/4"

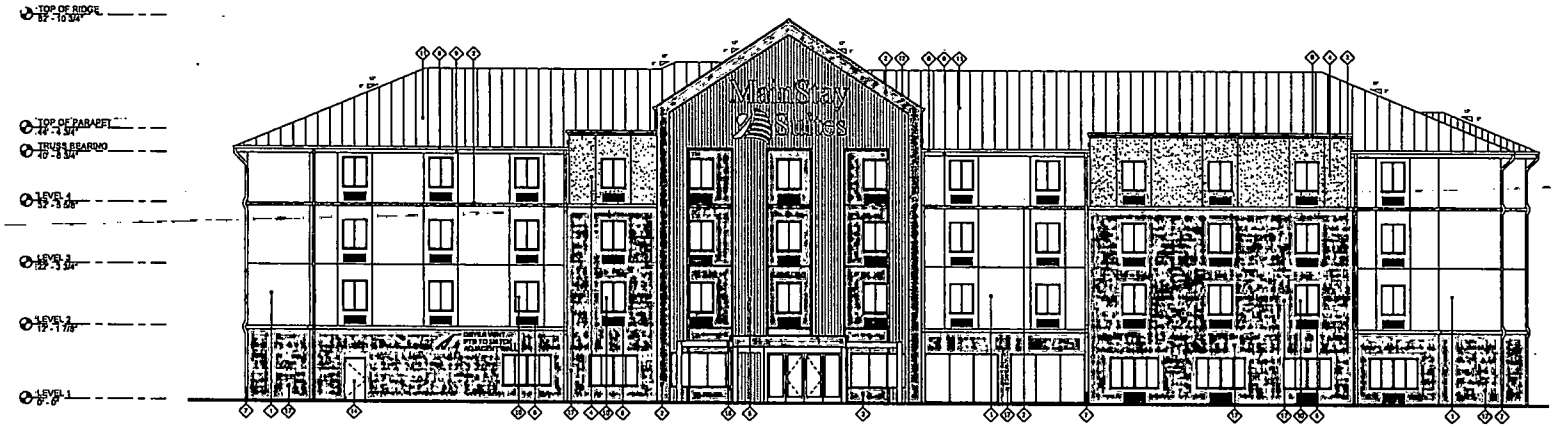
GENERAL NOTES - EXTERIOR ELEVATIONS:

1. FOR SPECIFIC WINDOW ELEVATIONS & DETAILS SEE SHEET A601
2. FINISH OF ALL PTAC/VTAC LOUVERS TO MATCH ADJACENT FACADE MATERIAL FINISH UNO.
3. HORIZONTAL JOINTS AT EIFS TO ALIGN WITH LEVEL UNO.
4. VERTICAL JOINTS AT EIFS OFFSET 18" FROM WINDOW OR ALIGNED TO GRID UNO.

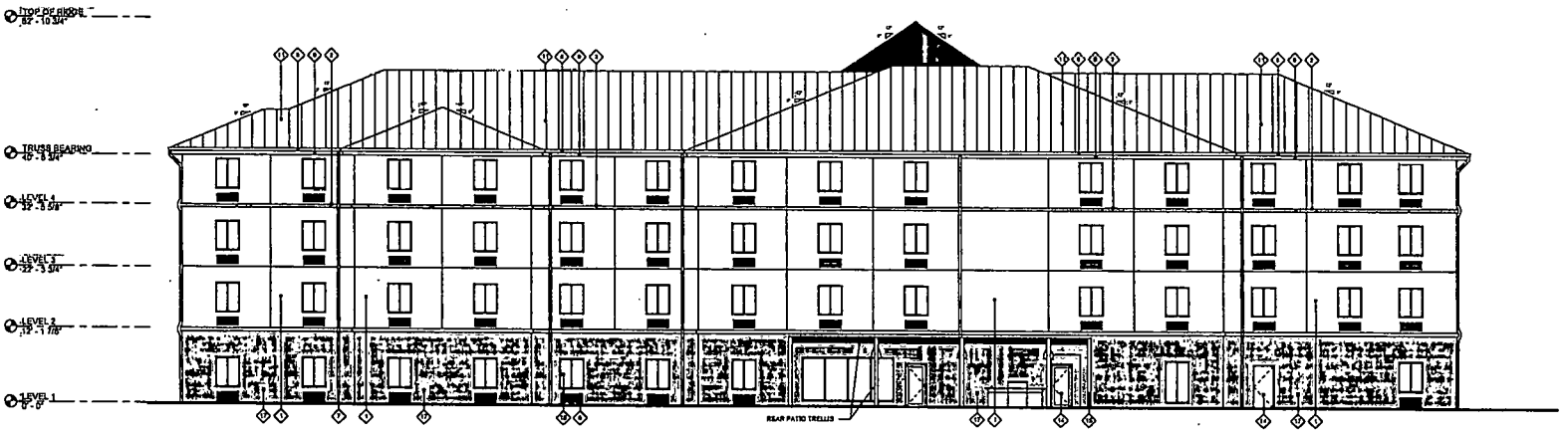
NOTE - EXTERIOR ELEVATIONS:

1. DEVELOPER RESERVES THE RIGHT TO CHANGE FROM A HIP ROOF TO A FLAT ROOF.

KEYNOTE LEGEND - EXTERIOR ELEVATIONS					
		COLOR			
NUMBER	MATERIAL	SHERWIN WILLIAMS	PPG	BEHR	NOTE
1	EIFS	REPOSE GRAY - 7015	SWIRLING SMOKE - PPG1007-2	DOLPHIN FIN - 790C-3	TEXTURE: 534 SAND FINE
2	EIFS	DOVETAIL - 7018	LAZY AFTERNOON - PPG1007-5	ELEPHANT SKIN - PPU16-16	TEXTURE: 534 SAND FINE
3	EIFS	-	-	-	TEXTURE: 534 SAND FINE; PAREX COLOR: 210 SUNFLOWER & LUSTRO GOLD
4	EIFS	HEART OF PALM - 6415	CANVAS BATCHEL 13-20	MORNING TEA - M330-4	TEXTURE: 534 SAND FINE
5	CEMENT FIBER BOARD	-	-	-	PRE-FINISHED: MICHIHA ROUGHSAWN TOBACCO - EPC241N
6	PTAC GRILL	-	-	-	PTD TO MATCH ADJACENT WALL COLOR
7	ALUMINUM DOWNSPOUT	-	-	-	PTD TO MATCH ADJACENT SURFACE COLOR
8	ALUMINUM GUTTER	-	-	-	PTD TO MATCH ADJACENT FASCIA BOARD
9	FASCIA BOARD	REPOSE GRAY - 7015	SWIRLING SMOKE - PPG1007-2	DOLPHIN FIN - 790C-3	PTD
10	VINYL WINDOW FRAME	-	-	-	EQUIVALENT TO MILGARD : SILVER
11	SEAMLESS METAL PANELS	-	-	-	EQUIVALENT TO SHERWIN WILLIAMS : IRON ORE
12	STANDING SEAM METAL PANEL	-	-	-	EQUIVALENT TO ASC: OLD ZINC GRAY
13	METAL TRIM	DOVETAIL - 7018	LAZY AFTERNOON - PPG1007-5	ELEPHANT SKIN - PPU16-16	PTD
14	MISCELLANEOUS	DOVETAIL - 7018	LAZY AFTERNOON - PPG1007-5	ELEPHANT SKIN - PPU16-16	PTD
15	MISCELLANEOUS	REPOSE GRAY - 7015	SWIRLING SMOKE - PPG1007-2	DOLPHIN FIN - 790C-3	PTD
16	MISCELLANEOUS	-	-	-	WOOD STAIN TO MATCH MICHIHA ROUGHSAWN TOBACCO
17	BRICK	-	-	-	-



2 FRONT ELEVATION
1/8" = 1'-0"



1 REAR ELEVATION
1/8" = 1'-0"

FENESTRATION CALCULATION	
8' WINDOW (8)	= 48'-0"
6' WINDOW (2)	= 12'-0"
12' WINDOW (2)	= 24'-0"
12' DOOR (1)	= 12'-0"
8' DOOR (1)	= 8'-0"
TOTAL FENESTRATION	104'-0"
BUILDING LENGTH	267'-4"
FENESTRATION %	38.93%

PRELIMINARY NOT FOR CONSTRUCTION

FORM Development Group
2170 Mellon Road
Verona, PA 15147
PH: (412) 828-3710
FAX: (412) 828-3715

MainStay Suites

Franchisee Information
FORD ELLIOTT /
SVN BLACKSTREAM
7C BRENDAN WAY
GREENVILLE, SC 29615

Project location
MainStay Suites -
511 BREVARD ROAD
ASHEVILLE, NC 28806

REVISIONS

NO	DATE

DRAWING ISSUED FOR:
- ☑ PRELIM. FLOOR PLAN
- ☐ SOX
- ☐ CLIDIT/CORP. REVIEW (SOX)
- ☐ BIDDING
- ☐ PERMITTING
- ☐ PERMIT REVISIONS
- ☐ FINAL CONST.

DRAWING ISSUE DATE: 5-8-18

EXTERIOR ELEVATIONS - FRONT & REAR

PROJ. NO.: FD18-125
DATE: 5/8/18
SHEET NUMBER: A201

Exhibit C
2 of 3
223

DEVELOPMENT DATA BLOCK	
NAME OF PROJECT	MAINSTAY SUITES - ASHEVILLE, NC
PROJECT ADDRESS	511 BREVARD ROAD ASHEVILLE, NC 28806
PROPERTY OWNER	FORD ELLIOTT SVN BLACKSTREAM 7C BRENDAN WAY GREENVILLE, SC 29615 864-637-9302
PROPERTY PIN #	9627-97-4214
ZONING DISTRICT	CURRENT: HB (ASHEVILLE) PROPOSED: LODGING EXPANSION
BUILDING INFORMATION	NUMBER OF BUILDINGS: 1 NUMBER OF GUESTROOMS: 87 BUILDING HEIGHT: 62'-10 3/4"

GENERAL NOTES - EXTERIOR ELEVATIONS:

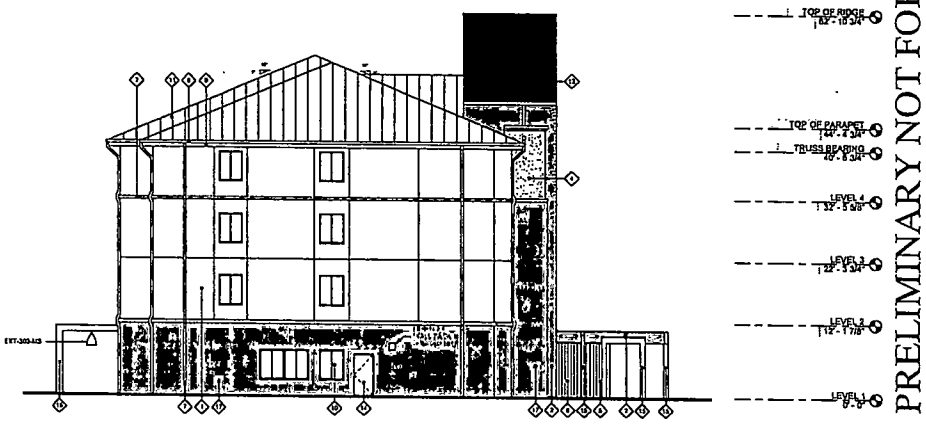
1. FOR SPECIFIC WINDOW ELEVATIONS & DETAILS SEE SHEET A801
2. FINISH OF ALL PTAC/VTAC LOUVERS TO MATCH ADJACENT FACADE MATERIAL FINISH UNO.
3. HORIZONTAL JOINTS AT EIFS TO ALIGN WITH LEVEL UNO.
4. VERTICAL JOINTS AT EIFS OF EXT 18" FROM WINDOW OR ALIGNED TO GRID UNO.

NOTE - EXTERIOR ELEVATIONS:

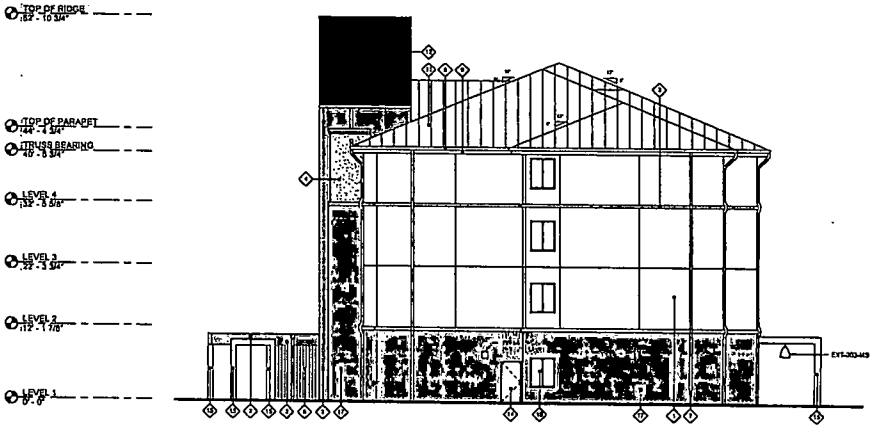
1. DEVELOPER RESERVES THE RIGHT TO CHANGE FROM A HIP ROOF TO A FLAT ROOF.

KEYNOTE LEGEND - EXTERIOR ELEVATIONS

NUMBER	MATERIAL	COLOR: SHERWIN WILLIAMS	COLOR: PPG	COLOR: BEHR	NOTE
1	EIFS	REPOSE GRAY - 7015	SWIRLING SMOKE - PPG1007-2	DOLPHIN FIN - 790C-3	TEXTURE: 534 SAND FINE
2	EIFS	DOVETAIL - 7018	LAZY AFTERNOON - PPG1007-5	ELEPHANT SKIN - PPU18-16	TEXTURE: 534 SAND FINE
3	EIFS	-	-	-	TEXTURE: 534 SAND FINE; PAREX COLOR: 210 SUNFLOWER & LUSTRO GOLD
4	EIFS	HEART OF PALM - 6415	CANVAS SATCHEL 12-20	MORNING TEA - M330-4	TEXTURE: 534 SAND FINE
5	CEMENT FIBER BOARD	-	-	-	PRE-FINISHED; NICHIHA ROUGHSAWN TOBACCO - EPC241N
6	PTAC GRILL	-	-	-	PTD TO MATCH ADJACENT WALL COLOR
7	ALUMINUM DOWNSPOUT	-	-	-	PTD TO MATCH ADJACENT SURFACE COLOR
8	ALUMINUM GUTTER	-	-	-	PTD TO MATCH ADJACENT FASCIA BOARD
9	FASCIA BOARD	REPOSE GRAY - 7015	SWIRLING SMOKE - PPG1007-2	DOLPHIN FIN - 790C-3	PTD
10	VINYL WINDOW FRAME	-	-	-	EQUIVALENT TO MILGARD : SILVER
11	SEAMLESS METAL PANELS	-	-	-	EQUIVALENT TO SHERWIN WILLIAMS : IRON ORE
12	STANDING SEAM METAL PANEL	-	-	-	EQUIVALENT TO ASC: OLD ZINC GRAY
13	METAL TRIM	DOVETAIL - 7018	LAZY AFTERNOON - PPG1007-5	ELEPHANT SKIN - PPU18-16	PTD
14	MISCELLANEOUS	DOVETAIL - 7018	LAZY AFTERNOON - PPG1007-5	ELEPHANT SKIN - PPU18-16	PTD
15	MISCELLANEOUS	REPOSE GRAY - 7015	SWIRLING SMOKE - PPG1007-2	DOLPHIN FIN - 790C-3	PTD
16	MISCELLANEOUS	-	-	-	WOOD STAIN TO MATCH NICHIHA ROUGHSAWN TOBACCO
17	BRICK	-	-	-	-



2 LEFT ELEVATION
1/8" = 1'-0"



1 RIGHT ELEVATION
1/8" = 1'-0"

PRELIMINARY NOT FOR CONSTRUCTION

FORM Development Group
2170 Hutton Road
Wheaton, IL 60187
PH: (630) 825-5710
Fax: (630) 825-5713

MainStay Suites

Franchisee Information
FORD ELLIOTT /
SVN BLACKSTREAM
7C BRENDAN WAY
GREENVILLE, SC 29615

Project location
MainStay Suites -
511 BREVARD ROAD
ASHEVILLE, NC 28806

REVISIONS

NO	DATE

DRAWINGS ISSUED FOR:
- ☑ PRELIM. FLOOR PLAN
- ☐ SITE
- ☐ DUDIT/CONF. REVIEW (SOD)
- ☐ SIDEDIT
- ☐ PERMITTING
- ☐ PERMIT REVISIONS
- ☐ FINAL CONST.

DRAWING ISSUE DATE: 8-8-18

EXTERIOR ELEVATIONS - LEFT & RIGHT

PROJ. NO.: F018-125

DATE: 8/8/18

SHEET NUMBER: A202

Exhibit C 3 of 3

ORDINANCE NO. 4703

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 23rd day of October, 2018.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

Sabrina P. Roberts
City Attorney

PURPOSE: DSD Technology Project

Magdalen Burleson
City Clerk

226

CITY OF ASHEVILLE

BUDGET AMENDMENT

2018/19 — FISCAL YEAR

10/23/2018 — EFFECTIVE DATE

Purpose: To allocate revenue collected in the Development Services Technology Project to fund contracted services and supplies.

Requesting Department: Development Services

Amendment to: General Capital Projects Fund

	Account	Current Budget	Amended Budget	Increase (Decrease)
Revenues				
41000050-450707-I0901	Technology Fee	$ 325,576.10	$ 425,576.10	$ 100,000.00
Expenditures				
41000050-521001-I0901	Contracted Services	$ 22,610.75	$ 57,110.75	$ 34,500.00
41000050-524001-I0901	Supplies - Other	$ 3,197.92	$ 68,697.92	$ 65,500.00
BALANCE				**$ - .00**

ORDINANCE NO. 4704

ORDINANCE AUTHORIZING THE HOUSING CODE COORDINATOR TO UNDERTAKE ADDITIONAL ENFORCEMENT EFFORTS WITH RESPECT TO 460 ½ BOOKER STREET

WHEREAS, the City of Asheville (herein "City") has the authority pursuant to N.C. Gen. Stat. § 160A-174(a) to adopt ordinances necessary to address conditions detrimental to the health, safety, or welfare of its citizens; and

WHEREAS, the City has previously adopted Chapter 4, Article VII, Section 4-217 of the Code of Ordinances of the City of Asheville, which enumerates the enforcement actions that the Housing Code Coordinator may take when a property owner disregards or disobeys an Order to repair, alter or improve, or to vacate and close a dwelling found to be unsafe or unfit for human habitation; and

WHEREAS, Chapter 4, Article VII, Section 4-217 of the Code of Ordinances of the City of Asheville requires that the Housing Code Coordinator receive specific approval from the City Council before taking the enforcement actions specified therein; and

WHEREAS, the owners of 460 ½ Booker Street, Asheville, have been found to be out of compliance with the Chief Code Official's Order of August 25, 2017, which directed that the property either be repaired, improved, or vacated and closed until it could be brought into compliance with the Housing Code;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNSEL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Housing Code Coordinator, or his designee, is hereby authorized to take any or all of the enforcement actions specified in Chapter 4, Article VII, Section 4-217 of the Code of Ordinances of the City of Asheville in order to bring 460 ½ Booker Street, Asheville, in compliance with the Chief Code Official's Order of August 25, 2017.

Section 2. This ordinance is not intended to modify or repeal any other ordinance, rule, regulation or other provision of law. The requirements of this ordinance are in addition to the requirements of any other ordinance, rule, regulation or other provision of law.

Section 3. The provisions of this ordinance shall be in full force and effect upon adoption.

Read, approved and adopted this the 23rd day of October, 2018.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

Sabrina P. Rochefort
City Attorney

Magdalen Burleson
City Clerk

228

ORDINANCE NO. 4705

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made a part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 23th day of October, 2018.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

Robin P. Norris
City Attorney

PURPOSE: High Intensity Drug Traffic Area (HIDTA) 2018 Grant Modification # 2

Magdalen Burleson

CITY OF ASHEVILLE

BUDGET AMENDMENT

FISCAL YEAR	EFFECTIVE DATE
2018/19	10/23/2018

Purpose: To modify the budget for HIDTA 2018.

Requesting Department: Police

Amendment to: Grant Fund

	Account	Current Budget	Amended Budget	Increase (Decrease)
Revenues				
22000121-435000-P1908	Restricted Intergov Feceral Grants	$ 19,000.00	$ 106,627.00	$ 87,627.00
Expenditures				
22000121-528304-P1908	Police Special Purposes	$ 19,000.00	$ 106,627.00	$ 87,627.00
BALANCE				**$ - .00**

230

ORDINANCE NO. 4706

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 23rd day of October, 2018.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: Department of Justice, Office of Justice Programs, Bulletproof Vest Partnership 2018 Program

Magdalen Burleson
City Clerk

CITY OF ASHEVILLE

BUDGET AMENDMENT

FISCAL YEAR	EFFECTIVE DATE
2018/19	10/23/2018

Purpose: To establish the Ballistic Vest Partnership 2018 using grant funding from the US Department of Justice.

Requesting Department: Police

Amendment to: Grant Fund

	Account	Current Budget	Amended Budget	Increase (Decrease)
Revenues				
22000122-435000-P19xx	Restricted Intergovernmental Federal Grants	$ - .00	$ 32,407.50	$ 32,407.50
22090122-498100-P19xx	Operating Transfers from General Fund	$ - .00	$ 32,407.50	$ 32,407.50
Expenditures				
22000122-524003-P19xx	Supplies - Safety Equipment	$ - .00	$ 64,815.00	$ 64,815.00
BALANCE				**$ - .00**

Revision to: General Fund

	Account	Current Budget	Amended Budget	Increase (Decrease)
Expenses				
11000122-524003	Supplies - Safety Equipment	$ 392,872.55	$ 360,465.05	$ (32,407.50)
11090122-800220	Transfer to Grant Fund	$ 227,438.00	$ 259,845.50	$ 32,407.50
BALANCE				**$ - .00**

232

ORDINANCE NO. 4707

ORDINANCE AMENDING CONDITIONAL ZONING (ORD. NO. 4581) FOR PROPERTY LOCATED AT 190 HOMINY CREEK ROAD

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, on May 9, 2017, the Asheville City Council adopted Ordinance No. 4581 rezoning the property located at 190 Hominy Creek Road (PIN 9637-17-4104) from Institutional Zone (INST) district to IND-CZ (Industrial Conditional Zone) district for the expansion and upgrading of a waste transfer station; and

WHEREAS, the property owner now seeks revisions to the landscape plan as approved under Ordinance No. 4581 to reduce the number of trees to be planted due to environmental conditions and restrictions placed on the land by the State of North Carolina; and

WHEREAS, this proposed amendment is consistent with the City's 2025 Comprehensive Plan, Smart Growth policies, and other official plans of the City and is determined to be to be reasonable and in the public interest for the following reasons:

a) the site has historically been an industrial use;
b) additional landscaping and the location serves to largely conceal the facility from adjacent uses and the nearby neighborhood;
c) the facility is integral to the City's solid waste and recycling functions; and
d) the expansion and upgrading of the facility eliminates the need to relocate this use to another part of the community.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

The zoning classification of that certain real property described in Exhibit A and identified on Buncombe County tax maps as PIN 9637-17-4104, recorded in Deed Book 1230, Page 0581 and currently owned by Buncombe County from Institutional (INST) to Industrial - Conditional Zoning District (IND-CZ). A copy of the official zoning map showing said lots is attached hereto as Exhibit "A" and made a part hereof. Said rezoning is subject to the conditions set out in Exhibit "B.1", and substantially complies with the site plans shown in Exhibit "C", both attached hereto and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. The ordinances shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 5. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 23rd day of October, 2018.

Magdalen Burleson
City Clerk

Mayor

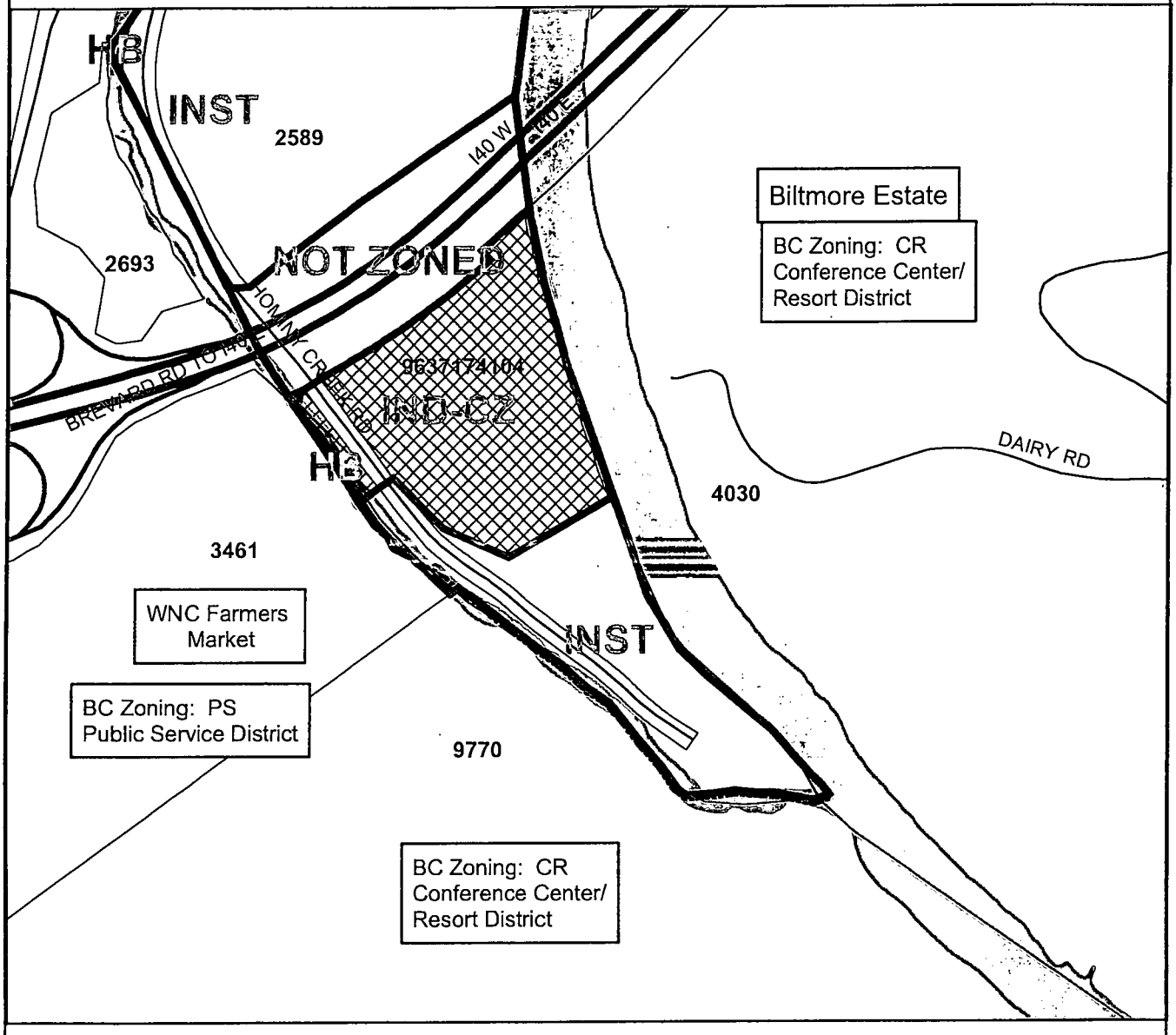
Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

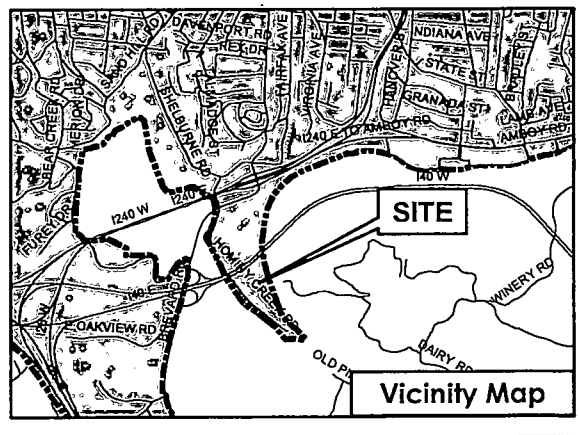
234

City of Asheville - Exhibit A Map
Conditional Zoning Amendment Review
Buncombe Co. Transfer Station - 190 Hominy Creek Rd



Project Name: Conditional Zoning Amendment
Project Number: 17-00689PZ
Project Description: Amendment to B-1 Conditions & Landscape Plan
Petitioner(s): Buncombe County
Parcel ID Number(s): 9637-17-4104
Location/Address: 190 Hominy Creek Road

Project Site
Parcels
Zoning Districts
Asheville City Limits
Streets
Streams



City of Asheville Planning and Urban Design Department - September 2018

EXHIBIT B-1
CONDITIONS

1. Approval is for conditional zoning to IND-CZ (Industrial Conditional Zone) for the expansion and upgrading of a waste transfer station.

2. The project site is 12.4 acres, a portion of PIN 9637-17-4104, and includes the Buncombe County Transfer Station, but does not include Hominy Creek Park.

3. Plans indicate a new 20,000 sf building, 48 feet in height, with existing buildings to remain on the site.

4. The owner will construct a 6 foot sidewalk for the upper portion of the frontage, a pedestrian crossing, and a 10-foot paved multi-use trail on the creek side of the road for the remaining portion of the parcel's frontage. The six foot sidewalk will extend between 218 feet and 320 feet before crossing Hominy Creek Road. City staff will work with Buncombe County to determine the best point of crossing based on pedestrian safety and flood regulations, and will be so indicated on the site plan at that time.

5. Landscaping requirements will be met with the exception of reduced parking lot landscaping: reduced by 54 trees and no street trees.

6. The owner will install 16 trees at Hominy Creek Park property south of the Transfer Station. The owner will also donate 5 additional trees to the city for placement along a greenway.

7. The building design, site design, construction materials, and orientation on site must substantially comply with the site plan attached hereto as Exhibit C and incorporated herein by reference and the final approved site plan that is incorporated into the zoning permit. Any major deviations from these plans will require reconsideration of the project by the reviewing boards.

8. All legally required local, state, and federal permits and approvals must be obtained prior to initiation of construction and any pertinent legal requirements shall be met.

236

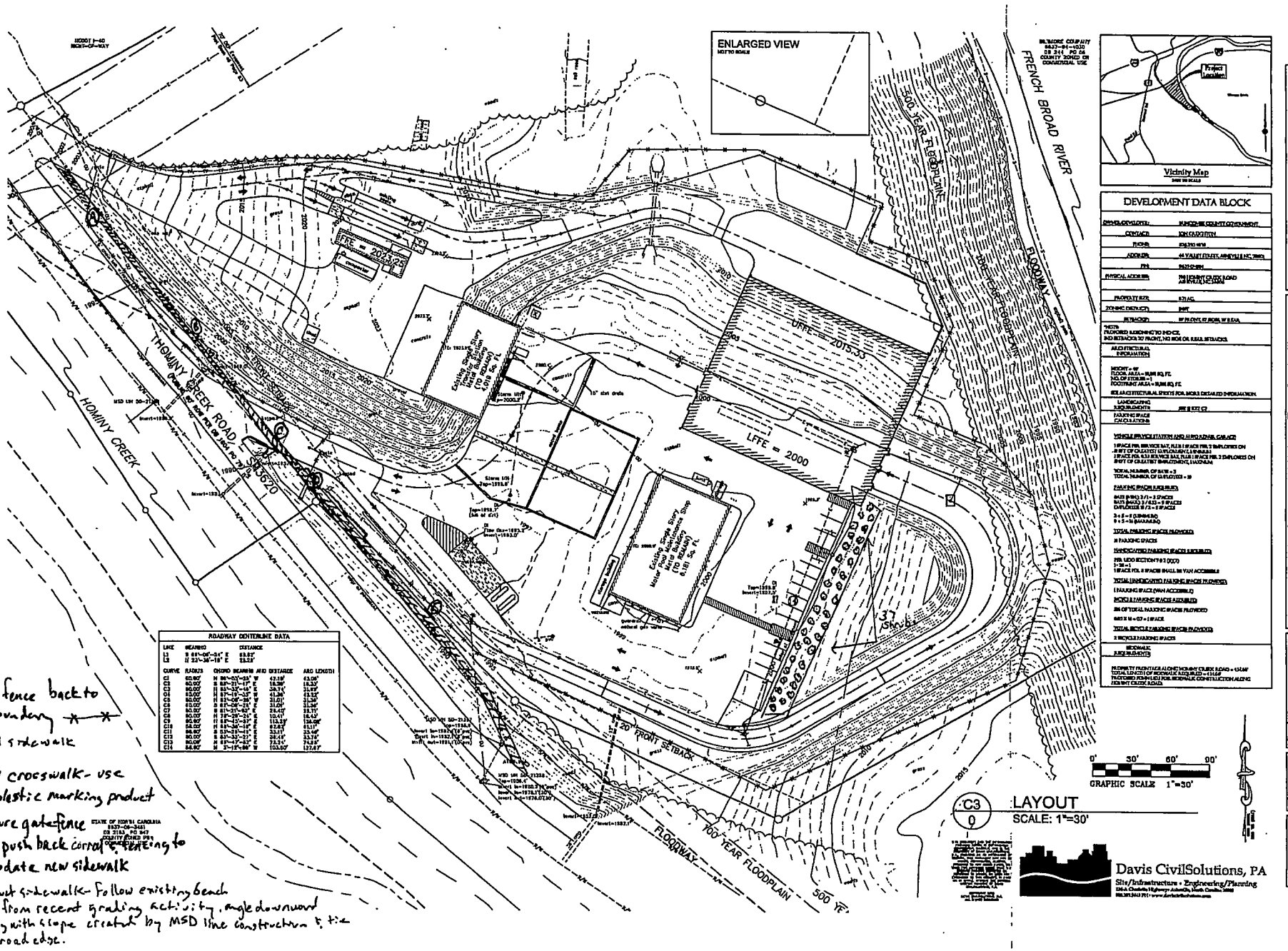


Exhibit C

A) - Push ex. fence back to R/W boundary

B) - Install sidewalk

C) - Install crosswalk - use thermoplastic marking product

D) - Reconfigure gate fence Corral - push back corral & fencing to accomodate new sidewalk

E) - Construct sidewalk - Follow existing bench created from recent grading activity, angle downward working with slope created by MSD line construction & tie into road edge.

ORDINANCE NO. 4708

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 27th day of November, 2018.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

Lauren P. Rosbeff
City Attorney

PURPOSE: Budget Amendment for FY 2018-19 Fire engine purchases

Magdalen Burleson
City Clerk

238

CITY OF ASHEVILLE

BUDGET AMENDMENT

2018/19	11/27/2018
FISCAL YEAR	EFFECTIVE DATE

Purpose: To fund two replacement fire engines.

Requesting Department: Fire

Amendment to: General Capital Projects Fund

	Account	Current Budget	Amended Budget	Increase (Decrease)
Revenues				
41000110-493181-F1903	Installment Loan Proceeds	$ - .00	$ 1,222,000	$ 1,222,000
Expenditures				
41000110-614101-F1903	Machine & Equipment	$ - .00	$ 1,222,000	$ 1,222,000
BALANCE				**$ - .00**

ORDINANCE NO. 4709

AN ORDINANCE AMENDING SECTION A OF APPENDIX B (SCHEDULE OF CIVIL PENALTIES) OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE

WHEREAS the City of Asheville has the authority to N.C. Gen. Stat. § 160A-301 to regulate parking within its corporate limits; and

WHEREAS the City Council has determined that increased fines for parking violations are needed to effectively enforce the City's parking regulations;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

Section 1: That Section A of Appendix B (Schedule of Civil Penalties) of the Code of Ordinances of the City of Asheville (Stopping, standing and parking violations established by Article V of Chapter 19 of the Code of Ordinances) be removed in its entirety and be replaced with a new Section A as follows:

A. Stopping, standing and parking violations established by article V of chapter 19 of the Code of Ordinances:

(1) Overtime parking at metered or non-metered spaces $20.00

Provided, however, as second or subsequent violation within a 24-hour period shall be subject to an additional civil penalty of $40.00

(2) Violation of division 5, article V (handicapped parking) $250.00

(3) Violation of section 19-137(b) (illegally parking in a fire lane) $50.00

(4) Violation of section 19-138 (Passenger zones, loading zones and tow-away zones) $30.00

(5) All other violations $20.00

(6) Parking violations included in this section shall be delinquent after the fifteenth day from the issuance of the citation; thereafter the following civil penalties shall apply to the foregoing parking violation, in addition to the stated penalty:

Delinquent Period	Additional Penalty

(a) 15 to 30 days delinquent on all penalties $25.00

(b) For each additional 30-day period of delinquency thereafter for the penalties set forth in subsections A(1) through A(6) the city may assess an additional $25.00 penalty, with a maximum of three delinquency penalties per violation, pursuant to this subsection.

Section 2: That all Ordinances or parts thereof in conflict with the provisions of the Ordinance are hereby repealed.

Section 3: That this Ordinance shall be in full force and effect on February 1, 2019.

Read, approved and adopted this 27th day of November, 2018.

Magdalen Burleson
City Clerk

Ann E. Mark
Mayor

Approved as to form:

Sabin P. Rerloff
City Attorney

Magdalen Burleson
City Clerk

ORDINANCE NO. 4710

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved, and adopted this 27th day of November, 2018.

Magdalen Bouleson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: AFG Grant for Personal Protective Equipment Extractors

Magdalen Bouleson

242.

			BUDGET AMENDMENT	
CITY OF ASHEVILLE			2018/19	11/27/2018
			FISCAL YEAR	EFFECTIVE DATE
Purpose:	To fund PPE Extractors			
Requesting Department:	Fire			
Amendment to:	Special Revenue Fund			
	Account	**Current Budget**	**Amended Budget**	**Increase (Decrease)**
Revenues				
22090111-435000-F1905	Restricted Intergov Fed Grants	$ - .00	$ 32,728	$ 32,728
22090111-498100-F1905	Oper Transfers from General Fd	$ - .00	$ 3,272	$ 3,272
Expenditures				
22090110-614101-F1905	Machine & Equipment	$ - .00	$ 36,000	$ 36,000
BALANCE				**$ - .00**
Revision to:	General Fund			
	Account	**Current Budget**	**Amended Budget**	**Increase (Decrease)**
Expenses				
11000111-524011	Supplies - Personal Protective Equipment	$ 210,000.00	$ 206,728.00	$ (3,272.00)
11090110-800220	Transfer to Grant Fund	$ - .00	$ 3,272.00	$ 3,272.00
BALANCE				**$ - .00**

ORDINANCE NO. 4711

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved, and adopted this 27th day of November, 2018.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: SAFR Grant for AFD Staffing

Magdalen Burleson

244.

CITY OF ASHEVILLE

BUDGET AMENDMENT

2018/19	11/27/2018
FISCAL YEAR	EFFECTIVE DATE

Purpose: To fund nine new firefighters in the AFD

Requesting Department: Fire

Amendment to: Special Revenue Fund

	Account	Current Budget	Amended Budget	Increase (Decrease)
Revenues				
22090111-435000-F1904	Restricted Intergov Fed Grants	$ - .00	$ 802,913	$ 802,913
22090111-498100-F1904	Oper Transfers from General Fd	$ - .00	$ 499,108	$ 499,108
Expenditures				
22090111-511999-F1904	Contra Salaries and Wages	$ - .00	$ 1,302,021	$ 1,302,021
BALANCE				**$ - .00**

Revision to: General Fund

	Account	Current Budget	Amended Budget	Increase (Decrease)
Expenses				
11000111-511004	Compensation-Overtime	$ 950,000.00	$ 841,498.25	$ (108,501.75)
11090110-800220	Transfer to Grant Fund	$ - .00	$ 108,501.75	$ 108,501.75
BALANCE				**$ - .00**

ORDINANCE NO. 4712

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved, and adopted this 27th day of November, 2018.

Magdalen Burleson
City Clerk

Esther G Martin
Mayor

Approved as to form:

Lauren P. Rosenblatt
City Attorney

PURPOSE: Reimbursement from UNCA for Emergency Standby

Magdalen Burleson
City Clerk

246

			BUDGET AMENDMENT	
CITY OF ASHEVILLE			2018/19	11/27/2018
			FISCAL YEAR	EFFECTIVE DATE
Purpose:	Reimbursement for Emergency Standby Assignment at UNCA			
Requesting Department:	Fire			
Amendment to:	General Fund			
	Account	**Current Budget**	**Amended Budget**	**Increase (Decrease)**
Revenues				
11000110-432300	Payments in Lieu of Taxes-State	$ 90,000.00	$ 243,000	$ 153,000
Expenditures				
11000111-511004	Compensation-Overtime	$ 950,000.00	$ 1,103,000	$ 153,000
BALANCE				**$ - .00**

ORDINANCE NO. 4713

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved, and adopted this 27th day of November, 2018.

Magdalen Burleson
City Clerk

Esther E. Marks
Mayor

Approved as to form:

Lalin P. Rosbiff
City Attorney

PURPOSE: FM Global Fire Prevention Grant for Sparky the Fire Dog Costume

Magdalen Burleson

248

			BUDGET AMENDMENT	
CITY OF ASHEVILLE			2018/19	11/27/2018
			FISCAL YEAR	EFFECTIVE DATE
Purpose:	To Purchase a new Sparky the Dog Costume			
Requesting Department:	Fire			
Amendment to:	General Fund			
	Account	**Current Budget**	**Amended Budget**	**Increase (Decrease)**
Revenues				
11000110-483300	Private Donations	$ - .00	$ 2,832	$ 2,832
Expenditures				
11000111-524101	Materials	$ 15,000.00	$ 17,832	$ 2,832
BALANCE				**$ - .00**

ORDINANCE NO. 4714

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 27th day of November, 2018.

Magdalen Burleson
City Clerk

Esther E. Marks
Mayor

Approved as to form:

Lauren P. Rosbiff
City Attorney

PURPOSE: Approve self-insured deductible of $100,000 plus partial insurance recovery funds received totaling $97,602.50 be appropriated in the Property & Liability Fund to be utilized towards repair of the damaged City sanitation vehicle.

Magdalen Burleson
City Clerk

250

CITY OF ASHEVILLE

BUDGET AMENDMENT

FISCAL YEAR	EFFECTIVE DATE
2018/19	11/27/2018

Purpose: Budget Amendment to repair damaged garbage truck.

Requesting Department: Finance

Amendment to: Property & Liability Fund

	Account	Current Budget	Amended Budget	Increase (Decrease)
Revenues				
81300038-485000	Insurance Recovery	$ 20,000.00	$ 117,602.50	$ 97,602.50
Expenditures				
81300038-571001	Fleet Maintennce Charges	$ - .00	$ 97,602.50	$ 97,602.50
BALANCE				**$ - .00**

ORDINANCE NO. 4715

ORDINANCE REGULATING THE USE OF E-SCOOTERS WITHIN CITY LIMITS.

WHEREAS, the City of Asheville (herein "City") has the authority pursuant to N.C. Gen. Stat. § 160A-174(a) to, by ordinance, define, prohibit, regulate or abate acts, omissions, or conditions detrimental to the health, safety, or welfare of its citizens or the peace and dignity of the City; and

WHEREAS, pursuant to N.C. Gen. Stat. § 160A-296(a) the City has general authority and control over all public streets, sidewalks, alleys, bridges, and other ways of public passage within its corporate limits; and

WHEREAS, the City has the authority pursuant to N.C. Gen. Stat. § 160A-300 to prohibit, regulate, divert, control, and limit pedestrian or vehicular traffic upon the public streets, sidewalks, alleys, and bridges of the city; and

WHEREAS, the City has the authority pursuant to N.C. Gen. Stat. § 160A-193(a) to summarily remove, abate, or remedy everything in the city limits that is dangerous or prejudicial to the public health or public safety; and

WHEREAS, the City has determined that the unregulated use of e-scooters on public street, sidewalks, alleys, bridges and other ways of public passage within its corporate limits creates dangerous conditions detrimental to the health, safety, peace and welfare of the City's residents and visitors; and

WHEREAS, the City has determined that the unregulated parking, placement, storage, exhibition, demonstration, selling, renting or offering to rent of e-scooters on public streets, sidewalks, alleys, bridges and other ways of public passage within its corporate limits by e-scooter share businesses creates dangerous conditions detrimental to the health, safety, peace and welfare of the City's residents and visitors; and

WHEREAS, the City has previously commissioned a bike share and e-scooter feasibility study with an expected completion date during the first quarter of 2019; and

WHEREAS, the City wishes to consider the results of the pending bike share and e-scooter feasibility study prior to determining whether e-scooters and e-scooter share businesses may be safely integrated into the City's transportation infrastructure.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. Chapter 19, Article I, Section 19-16 of the Code of Ordinances of the City of Asheville is repealed as previously drafted, and is hereby amended to read:

Sec. 19-16. E-Scooters and E-Scooter Share Programs

(a) The following definitions shall apply to this section:

"E-scooter" shall mean any two-wheeled device capable of propulsion by a motor or other power source with handlebars and a floorboard designed to be stood upon when riding. This device may also have a seat that does not interfere with the ability of the rider to stand and ride. This definition shall not include motorcycles, mopeds, or Electric Personal Assistive Mobility Devices as defined by the North Carolina General Statutes.

"E-scooter Share Operator" means an individual or a public, private, or non-profit entity that owns, manages or operates a system whereby e-scooters are parked, placed, stored, exhibited, demonstrated, sold, rented or offered for rent on public sidewalks and right-of-ways to customers on a self-service basis through an electronic platform.

(b) It shall be unlawful to park, place, store, exhibit, demonstrate, sell, rent or offer to sell or rent any e-scooter on any street, sidewalk, square, avenue, alley or within any park or other publicly owned property within the corporate limits of the City of Asheville.

(c) It shall be unlawful for any E-scooter Share Operator to permit an e-scooter it owns or leases to be parked, placed, stored, exhibited, demonstrated, sold, rented or offered for sale or rent on any street, sidewalk, square, avenue, alley or within any park or other publicly owned property within the corporate limits of the City of Asheville.

(d) It shall be unlawful to operate an e-scooter on any public street, sidewalk, alley, bridge or other way of public passage or within any park or on any other public property within the corporate limits of the City of Asheville.

(e) It shall be unlawful for any E-scooter Share Operator to permit an e-scooter it owns or leases to be operated on any public street, sidewalk, alley, bridge or other way of public passage or within any park or on any other public property within the corporate limits of the City of Asheville.

(f) A violation of this section shall be punishable by a civil penalty of one-hundred dollars ($100) per occurrence, to be recovered by the city in a civil action in the nature of debt, if the offender does not pay the penalty within thirty (30) days of receiving a notice of violation. This penalty shall be in addition to any penalty imposed by any other ordinance, rule, regulation or other provision of law.

(g) This section may be enforced by any city department or employee as designated by the City manager, who shall be authorized to remove any e-scooter found to be in violation of this section from any sidewalk, square, park or other public property without prior notice.

(h) Any e-scooter removed from City property pursuant to subsection (g) shall be returned to its owner upon the City receiving adequate proof of ownership. If an e-scooter removed from City property remains unclaimed after a period of sixty (60) days, it will be deemed abandoned, and may be disposed of in any manner permitted by law.

Section 2. Appendix B of the Code of Ordinances of the City of Asheville amended by adding subsection L to read as follows:

L. The penalty for violating the e-scooter regulations of Chapter 19, Article I of the Code of Ordinances shall be $100 per violation.

Section 3. Chapter 19, Article I, Section 19-14 of the Code of Ordinances of the City of Asheville, is repealed as previously drafted, and is hereby amended to read:

Civil penalties as set forth in Appendix B of this Code shall be assessed for the violation of the provisions of sections 19-16, 19-137, 19-138, 19-139, 19-140, 19-143, and 19-144 of this chapter. All other violations of this chapter shall constitute an infraction punishable by a fine of not more than $50.00.

Section 4. This ordinance is not intended to modify or repeal any other ordinance, rule, regulation or other provision of law. The requirements of this ordinance are in addition to the requirements of any other ordinance, rule, regulation or other provision of law.

Section 5. If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not adversely affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 6. The provisions of this ordinance shall be in full force and effect upon adoption.

Read, approved and adopted this the 27th day of November, 2018.

Magdalen Burleson
City Clerk

Esther G. Marks
Mayor

Approved as to form:

Robin P. Rocklyn
City Attorney

Magdalen Burleson

254

ORDINANCE NO. 4716

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 11th day of December, 2018.

Magdalen Burleson
City Clerk

Esther E. [illegible]
Mayor

Approved as to form:

[illegible] P. [illegible]
City Attorney

PURPOSE: Technical budget amendment in each of the City's annual operating funds to appropriate from restricted and assigned fund balance the required budget authorization for prior year contracts, purchase orders, and other carry-over appropriations that rolled forward to FY 2018-19.

City Clerk

CITY OF ASHEVILLE

BUDGET AMENDMENT

2018/19	12/11/2018
FISCAL YEAR	EFFECTIVE DATE

Purpose: Technical Budget Amendment to appropriate funding for prior year contracts and purchase orders that rolled forward to FY 2018-19.

Requesting Department: Finance

Amendment to: All operating funds

	Fund	Account	Current Budget	Amended Budget	Increase (Decrease)
Revenues					
110000xx-499101	General	Appropriated Fund Balance Reserved for Encumbrances	$ -	$ 6,362,666.81	$ 6,362,666.81
23004100-499101	Housing Trust	Appropriated Fund Balance Reserved for Encumbrances	$ -	$ 1,632,199.00	$ 1,632,199.00
24000016-499101	Sustainability	Appropriated Fund Balance Reserved for Encumbrances	$ -	$ 603,771.03	$ 603,771.03
24000016-499100	Sustainability	Appropriated Fund Balance (Streetlight Savings)	$ -	$ 149,540.00	$ 149,540.00
61000911-499101	Water	Appropriated Fund Balance Reserved for Encumbrances	$ -	$ 1,059,718.03	$ 1,059,718.03
62000220-499101	Parking	Appropriated Fund Balance Reserved for Encumbrances	$ -	$ 346,600.56	$ 346,600.56
62200314-499101	Street Cut	Appropriated Fund Balance Reserved for Encumbrances	$ -	$ 45,799.59	$ 45,799.59
62400320-499101	Stormwater	Appropriated Fund Balance Reserved for Encumbrances	$ -	$ 433,948.76	$ 433,948.76
6260090x-499101	USCC	Appropriated Fund Balance Reserved for Encumbrances	$ -	$ 323,820.49	$ 323,820.49
65000951-499101	Transit	Appropriated Fund Balance Reserved for Encumbrances	$ -	$ 76,029.99	$ 76,029.99
81100043-499101	Health	Appropriated Fund Balance Reserved for Encumbrances	$ -	$ 39,108.30	$ 39,108.30
81300038-499101	Prop & Liab.	Appropriated Fund Balance Reserved for Encumbrances	$ -	$ 99.00	$ 99.00
Expenditures					
110000xx-52xxxx	General	Various Accounts	$ -	$ 6,362,666.81	$ 6,362,666.81
23004100-52xxxx	Housing Trust	Various Accounts	$ -	$ 1,632,199.00	$ 1,632,199.00
24000016-52xxxx	Sustainability	Various Accounts	$ -	$ 603,771.03	$ 603,771.03
24000016-528013	Sustainability	Contingency (Streetlight Savings)	$ -	$ 149,540.00	$ 149,540.00
61000911-52xxxx	Water	Various Accounts	$ -	$ 1,059,718.03	$ 1,059,718.03
62000220-52xxxx	Parking	Various Accounts	$ -	$ 346,600.56	$ 346,600.56
62000314-52xxxx	Street Cut	Various Accounts	$ -	$ 45,799.59	$ 45,799.59
62400320-52xxxx	Stormwater	Various Accounts		$ 433,948.76	$ 433,948.76
6260090x-52xxxx	USCC	Various Accounts	$ -	$ 323,820.49	$ 323,820.49
65000951-52xxxx	Transit	Various Accounts	$ -	$ 76,029.99	$ 76,029.99
81100043-52xxxx	Health	Various Accounts	$ -	$ 39,108.30	$ 39,108.30
81300038-52xxxx	Prop & Liab.	Various Accounts	$ -	$ 99.00	$ 99.00
BALANCE					$ -

256

ORDINANCE NO. 4717

ORDINANCE DIRECTING THE CHIEF BUILDING OFFICIAL TO REMOVE OR DEMOLISH THE STRUCTURE LOCATED AT 26 LOWER GRASSY BRANCH ROAD AS UNFIT FOR HUMAN HABITATION AND DIRECTING THE PLACEMENT OF A NOTICE THEREON PROHIBITING ITS USE OR OCCUPANCY

WHEREAS, the City of Asheville (herein "City") has authority pursuant to NCGS 160A-443 to cause a structure that is unfit for human habitation to be removed or demolished; and

WHEREAS, the Chief Building Official issued a Declaration of Unsafe Building on November 9, 2017 notifying the property owners that the residential structure located at 26 Lower Grassy Branch Road is an unsafe building under Article VI, Chapter 4 of the City of Asheville Code of Ordinances; and

WHEREAS, pursuant to NCGS 160A-428 the Chief Building Official provided notice to the property owners and held a hearing on February 6, 2018 and pursuant to NCGS 160A-429 issued an Order To Take Corrective Action on February 13, 2018; and

WHEREAS, the owners of said property have been given reasonable opportunity to secure or remove the structure pursuant to Article VI, Chapter 4 of the City of Asheville Code of Ordinances and the Order of the Chief Building Official, and have failed to comply with the Order; and

WHEREAS, the City Council has determined that the condition of the structure at 26 Lower Grassy Road is unsafe for human habitation and constitutes a danger to the public safety and should be immediately removed or demolished;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Chief Building Official is hereby authorized and directed to place a placard in the structure located at 26 Lower Grassy Road containing the following language: "This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful."

Section 2. The Chief Building Official is hereby authorized and directed to initiate all reasonable measures to solicit bids for the removal or demolition of the above referenced structure in accordance with his February 13, 2018 Order and in accordance with Article VI, Chapter 4 of the City of Asheville Code of Ordinances and NCGS 160A-443.

Section 3. The cost of removal or demolition of the structure shall be a lien against the real property upon which the cost was incurred as provided in NCGS 160A-443.

Section 4. All ordinances and clauses of ordinances in conflict herewith be and the same are hereby repealed to the extent of such conflict.

Section 5. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each

section, subsection, sentence, clause, of phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 6. That this ordinance shall be in full force and effect on the date of adoption

Read, approved and adopted this the 11th day of December, 2018.

Magdalen Burleson
City Clerk

Esther E. Marks
Mayor

Approved as to form:

Selina P. Rockeffer
City Attorney

Magdalen Burleson
City Clerk

258

ORDINANCE NO. 4718

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 11th day of December, 2018.

Magdalen Bowlerson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

Robert P. Rozelle
City Attorney

PURPOSE: To fund Eagle-Market Project Payment

Magdalen Bowlerson
City Clerk

CITY OF ASHEVILLE	BUDGET AMENDMENT	
	2018/19	12/11/2018
	FISCAL YEAR	EFFECTIVE

Purpose: To fund Eagle Market project payment

Requesting Department: CMO

Amendment to: Section 108 Fund

	Account	Current Budget	Amended Budget	Increase (Decrease)
Revenues				
22400412-800410-D1004	Transfer from General Capital Projects Fund	$ -	$ 450,000	$ 450,000
Expenditures				
22400412-528520-D1004	Rehab Loans	$ 311,522	$ 761,522	$ 450,000
BALANCE				**$ -**

Revision to: General Capital Projects Fund

	Account	Current Budget	Amended Budget	Increase (Decrease)
Expenses				
41000412-528013-Q1502	Contingencies	$ 2,641,180	$ 2,191,180	$ (450,000)
41000412-800224-Q1502	Transfer to Section 108 Fund	$ -	$ 450,000	$ 450,000
BALANCE				**$ - .00**

260

ORDINANCE NO. 4719

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 8th day of January, 2019.

Magdalen Burleson
City Clerk

Esther G. Manheimer
Mayor

Approved as to form:

City Attorney

PURPOSE: Budget Amendment for bicycle and pedestrian counting equipment

Magdalen Burleson
City Clerk

CITY OF ASHEVILLE

BUDGET AMENDMENT
2018/19

FISCAL YEAR EFFECTIVE DATE

Purpose: To accept transportation funds from the French Broad River MPO for bicycle/pedestrian counting equipment.

Requesting Department: Transportation

Amendment to: Special Revenue Fund

	Account	Current Budget	Amended Budget	Increase (Decrease)
Revenues				
22002100-435505-T19xx	Restricted Intergovernmental - Federal Portion of MPO	$ - .00	$ 48,000.00	$ 48,000.00
22092100-498100-T19xx	Operating Transfers from General Fund	$ - .00	$ 12,000.00	$ 12,000.00
Expenditures				
22002100-614101-T19xx	Machinery & Equipment	$ - .00	$ 60,000.00	$ 60,000.00
BALANCE				**$ - .00**

Revision to: General Fund

	Account	Current Budget	Amended Budget	Increase (Decrease)
Revenues				
11002100-614101	Machinery & Equipment	$ 12,000.00	$ - .00	$ (12,000.00)
Expenditures				
11092100-800220	Transfer to Grant Fund	$ - .00	$ 12,000.00	$ 12,000.00
BALANCE				**$ - .00**

262

ORDINANCE NO. 4720

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 8th day of January, 2019.

Magdalen Bowlerson
City Clerk

Esther E. M
Mayor

Approved as to form:

Lauren P. Worley
City Attorney

PURPOSE: Donation from the Preservation Society for Thomas Wolfe Cabin Master Planning Project.

Magdalen Bowlerson
City Clerk

CITY OF ASHEVILLE

BUDGET AMENDMENT

FISCAL YEAR	EFFECTIVE DATE
2018/19	1/8/2019

Purpose: To accept a donation from the Preservation Society of Asheville and Buncombe County for the Thomas Wolfe Cabin master planning project.

Requesting Department: Planning & Urban Design

Amendment to: General Fund

	Account	Current Budget	Amended Budget	Increase (Decrease)
Revenues				
11000410-489000	Other Miscellaneous Revenue	$ - .00	$ 7,500.00	$ 7,500.00
Expenditures				
11000410-521001	Contracted Services	$ 68,196.37	$ 75,696.37	$ 7,500.00
BALANCE				**$ - .00**

264.

ORDINANCE NO. 4721

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 8th day of January, 2019.

Magdalen Bowlesson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

PURPOSE: Grant from US Tennis Assn

Magdalen Bowlesson
City Clerk

CITY OF ASHEVILLE

BUDGET AMENDMENT

FISCAL YEAR	EFFECTIVE DATE
2018/19	1/8/2019

Purpose: To accept a grant from the US Tennis Association for improvements at Aston Park Tennis Center.

Requesting Department: Parks & Recreation

Amendment to: Grant Fund

Account		Current Budget	Amended Budget	Increase (Decrease)
Revenues				
22008403-483300-R1912	Private Donations	$ - .00	$ 35,000.00	$ 35,000.00
Expenditures				
22008403-521001-R1912	Contracted Services	$ - .00	$ - .00	$ - .00
22008403-524101-R1912	Materials	$ - .00	$ 35,000.00	$ 35,000.00
BALANCE				$ - .00

266

ORDINANCE NO. 4722

ORDINANCE AMENDING CONDITIONAL ZONING ORDINANCE (NO. 4430) FOR PROPERTY(S) LOCATED AT 275 & 281 HAZEL MILL ROAD

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this proposed amendment is consistent with the Living Asheville A Comprehensive Plan for our Future and is determined to be reasonable and in the public interest for the following reasons:

a. The development is located with close access to commercial uses, employment opportunities and transit;
b. The project includes ten percent dedicated affordable residential units as described in the conditions;
c. The proposal supports the strategies found in the City's comprehensive plan regarding multi-modal transportation elements; and,
d. The proposal is aligned with the Future Land Use map in the Living Asheville Comprehensive Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

The zoning classification of that certain real property described in Exhibit A and identified on Buncombe County tax maps as PINs 9638-39-9131 and 9638-39-6188 and recorded in Deed Book 5622, Page 1253, and currently owned by Berltex Real Estate Holdings,, LLC, be amended by rezoning the parcels from Residential Multi-Family High Density Conditional Zone (RM-16 CZ) to Residential Multi-Family High Density Conditional Zone (RM-16 CZ) as shown on exhibit A. 1, modifying the B.1 conditions as set out in Exhibit "B1", for the uses compliant with the site plans shown in Exhibit D, attached hereto and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. The ordinances shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 5. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 8th day of January, 2019.

Magdalen Burleson
City Clerk

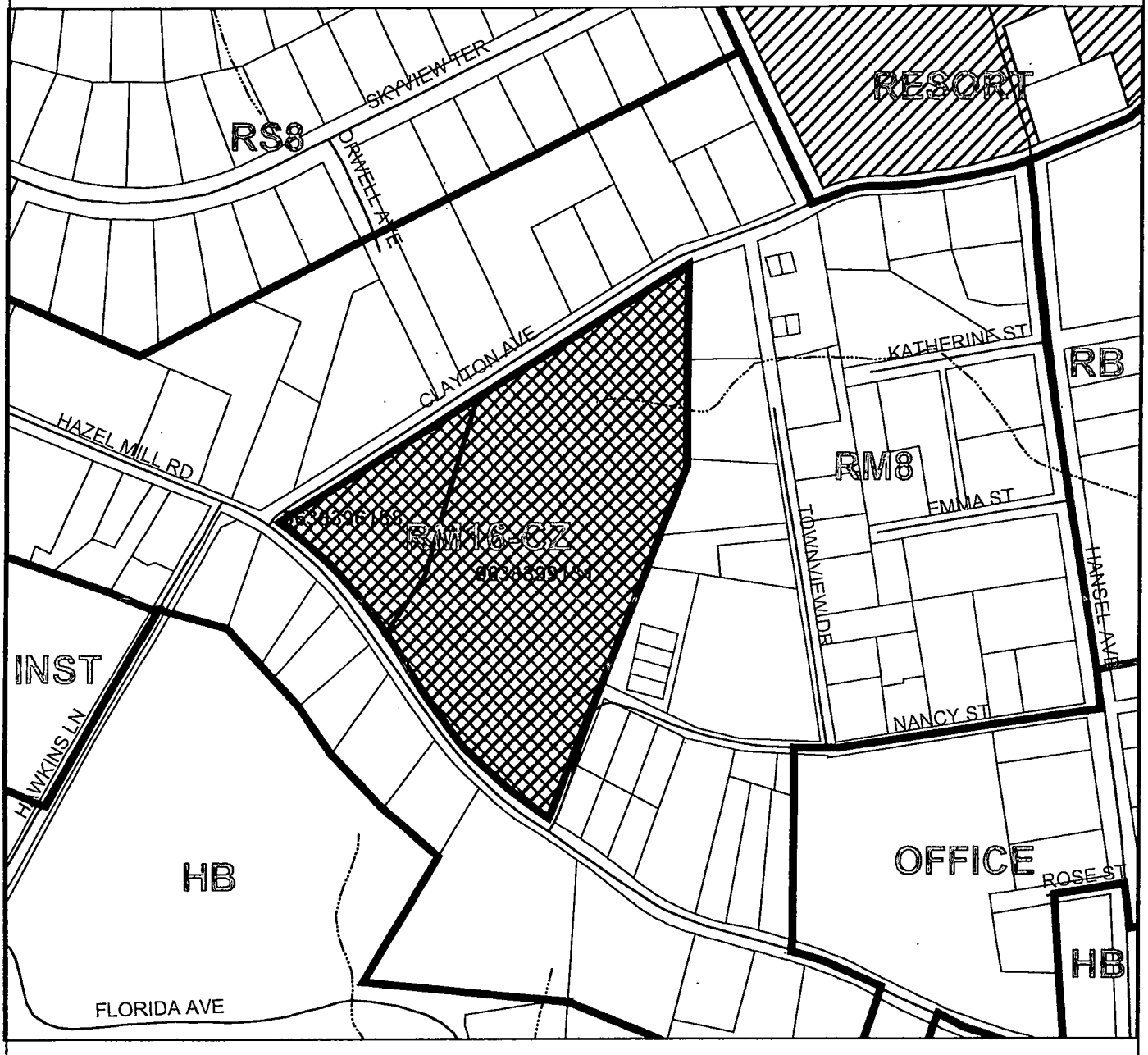
Esther E. Manz
Mayor

Approved as to form:

Robin P. Rocklyff
City Attorney

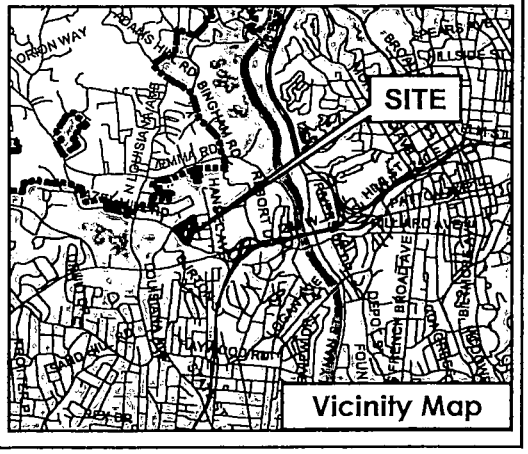
Magdalen Burleson
City Clerk

City of Asheville - Exhibit A Map
Conditional Zoning Modification - White Oak Grove



Project Name: White Oak Grove Modification
Project Number: 18 - 07529 PZ
Project Description: CZ from RM-16 CZ to RM-16 CZ
Petitioner(s): Bob Grasso
Parcel ID Number(s): 9638-39-9131
9638-39-6188
Location/Address: 275 & 281 Hazel Mill Road

Project Site | Parcels | Asheville City Limits | Conditional Use Overlay
Zoning Districts | Streets | River Areas



City of Asheville Planning and Urban Design Department - November 2018

B.1 Conditions
White Oak Grove Modification

1. The zoning for the property is Residential Multi-Family High Density District Conditional Zone (RM-16 CZ). This is an amendment to a previously approved project (ordinance no. 4375, dated December 9, 2014 and ordinance no. 4430, dated June 23, 2015).

2. The approval is for a 113 unit multi-family development on property and contains 10 buildings with a maximum height of 40 feet and a maximum of 222 parking spaces.

3. The apartments will be built on a site consisting of 6.5 acres at 275 and 281 Hazel Mill Road (PINs 9638-39-9131 and 9638-39-6188), as indicated on the Exhibit A map and site plan which are attached hereto and incorporated herein by reference.

4. The subject properties must be combined prior to final zoning approval.

5. The project shall be constructed to meet HUD approved Green Buildings Standards.

6. At least 10% of the units (12) shall meet the City's standards for affordability at 80% AMI for a period of 10 years from the issuance of the Certificate of Occupancy. The rent and income shall follow the Affordable and Workforce Housing Standards determined annually by the City of Asheville Community Development Department. An Affordable Housing Deed Restriction will be provided by the City and shall be filed and recorded by the applicant/property owner in the Buncombe County Register of Deeds prior to the project receiving the final zoning permit.

7. There will be three driveways along Clayton Avenue as shown on the site plan.

8. The developer shall provide annual bus passes for at least 10 years for any resident of the affordable units, as described in paragraph 6.

9. The developer or property owner shall provide notice to the project's tenants that the private road off Hawkins Lane, which crosses the Harry's Cadillac Property (PIN 9638-38-4570-00000; Buncombe County Register of Deeds Book 780, Page 287) is a private road which is not available to access Patton Avenue. This notice should be printed by using a font and color sufficient to be noticed by the tenants and posted at a conspicuous location within the community. This notice shall also be provided to all new tenants in their written leases. A sample copy of the lease and posted notice shall be provided to the City prior to the issuance of the Certificate of Occupancy.

10. The sidewalks along Clayton Avenue will be a five and five configuration as shown on plans. The sidewalk and along Hazel Mill Road should be a six foot back of curb as approved in 2015.*

11. The developer will pay the City $14,000 to be used for the construction of sidewalks along Hazel Mill Road. This money must be provided to the City prior to final zoning approval.

12. Twenty additional bike parking spaces will be distributed throughout the site, both long and short term storage.

13. Signage shall be separately permitted and shall meet the standards of the City of Asheville Sign Ordinance (Article XIII of Chapter 7 of the Code of Ordinances).

14. There will be at least 2.65 acres of open space, with landscape features which may include but are not limited to benches, fire rings, grill areas, etc. as indicated on the approved site plan, which is incorporated herein by reference.

15. All site lighting must comply with the City's Lighting Standards (Section 7-11-10 of the Code of Ordinances). Proposed lighting plans must be submitted at Final TRC.

16. Landscaping will meet the requirements of the UDO and includes building impact landscaping, vehicular use area landscaping, street trees, street buffer planting, retaining wall landscaping and dumpster screening as indicated on the approved landscape plan, which is incorporated herein by reference.

17. The building design site design and orientation on site shall substantially comply with the approved site plan, which is incorporated herein by reference. Any major deviations from these plans may require a rezoning by the City Council. The building materials indicated on the plans is illustrative in nature. Not more than 20% of external building materials will consist of vinyl, utility grade concrete masonry unit or synthetic stucco.

18. All legally required local, state, and federal permits and approvals must be obtained prior to initiation of construction and any pertinent legal requirements shall be met.

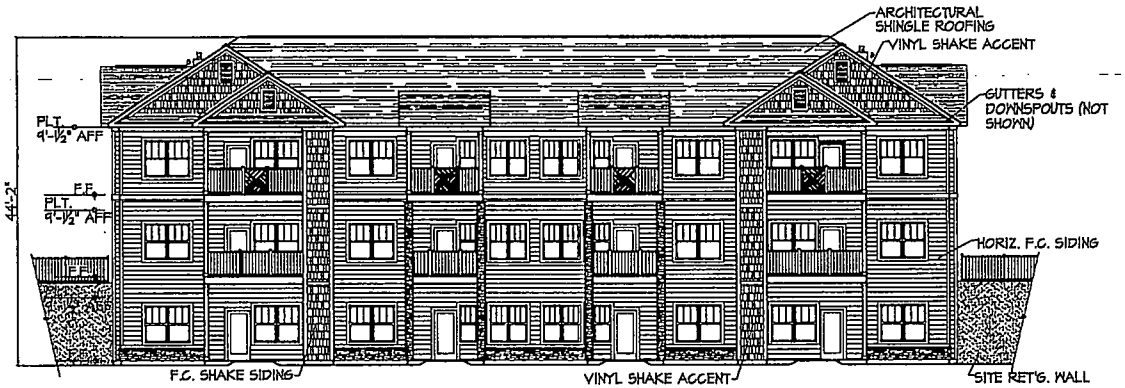
19. The conditional zoning will be valid for a period of three years from the date of approval by City Council. If a building permit is not obtained within three years, the approval will no longer be valid.

* This is a requested change by the applicant from the 2015 approval.

PDI Architecture 1020 Breazeale Road, Pendleton, SC 29670 ph. (864) 224-5800

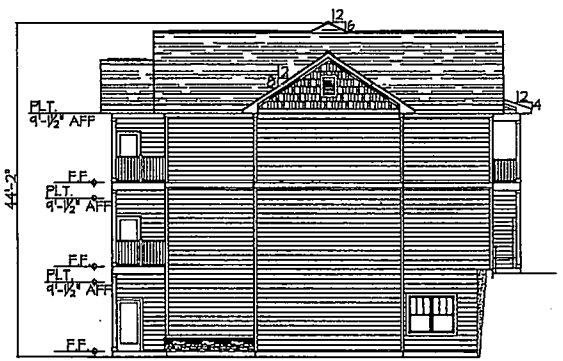
BUILDING A- FRONT ELEVATION

SCALE: 1/16" = 1'-0"



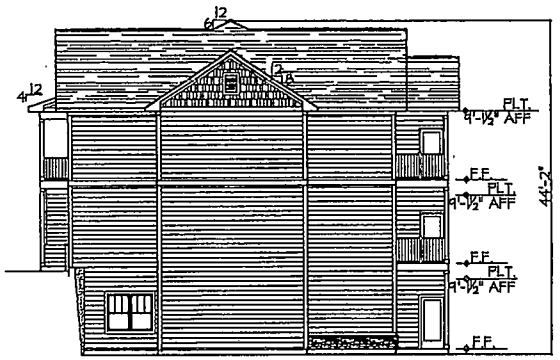
BUILDING A- REAR ELEVATION

SCALE: 1/16" = 1'-0"



BUILDING A- LEFT ELEVATION

SCALE: 1/16" = 1'-0"



BUILDING A- RIGHT ELEVATION

SCALE: 1/16" = 1'-0"

Pre-Application Package
9-24-18

BUILDING 'A' - ELEVATIONS

White Oak Grove Apartments
Clayton Avenue
Asheville, North Carolina

A-23

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Exhibit D

271

PDI Architecture 1020 Breazeale Road, Pendleton, SC 29670 ph. (864) 224-5800

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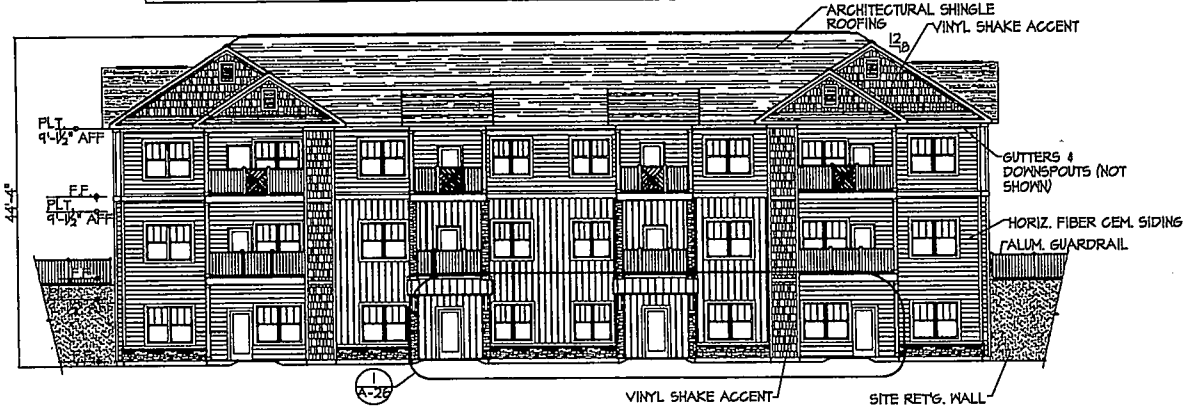
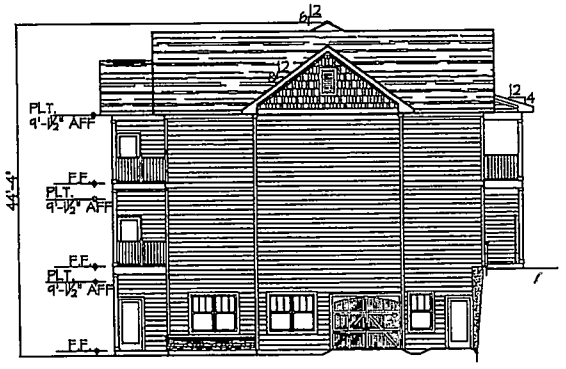
BUILDING B- FRONT ELEVATION

SCALE: 1/16" = 1'-0"



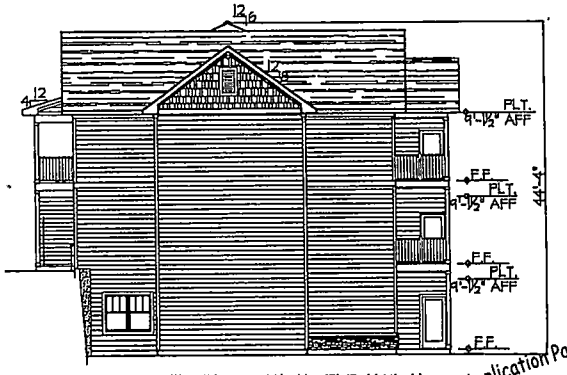
BUILDING B- REAR ELEVATION

SCALE: 1/16" = 1'-0"



BUILDING B- LEFT ELEVATION

SCALE: 1/16" = 1'-0"



BUILDING B- RIGHT ELEVATION

SCALE: 1/16" = 1'-0"

Pre-Application Package
9-24-18

BUILDING B - ELEVATIONS

Villa Oak Grove Apartments

Clayton Avenue

Asheville, North Carolina

A-2b

PDI Architecture 1020 Breazeale Road, Pendleton, SC 29670 ph. (864) 224-5800

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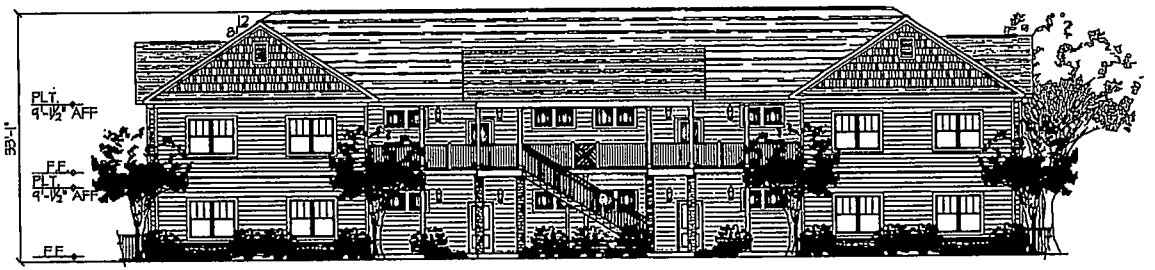
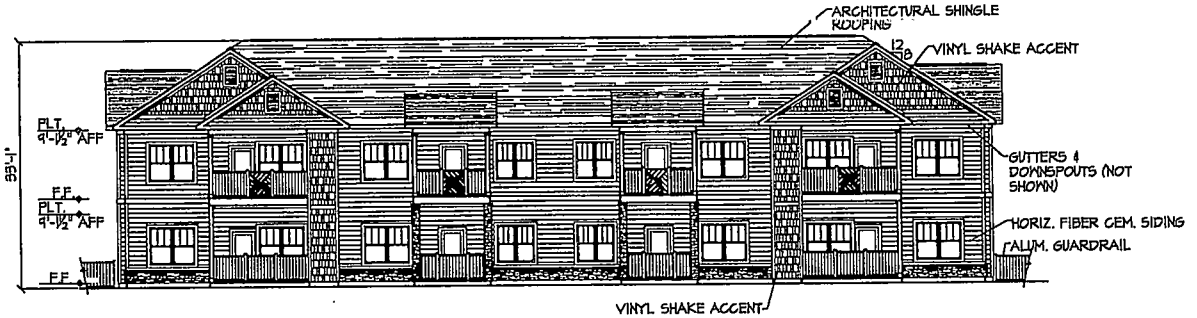


BUILDING C- FRONT ELEVATION

SCALE: 1/16" = 1'-0"



BUILDING C- REAR ELEVATION

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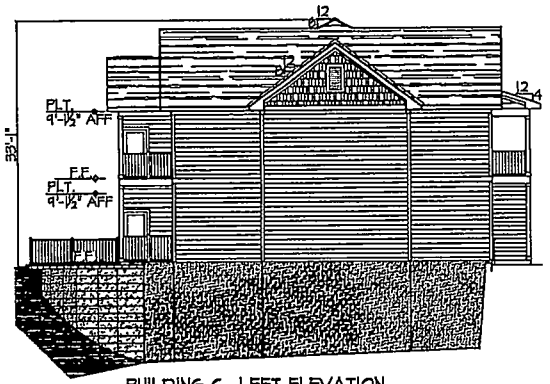

BUILDING C- LEFT ELEVATION

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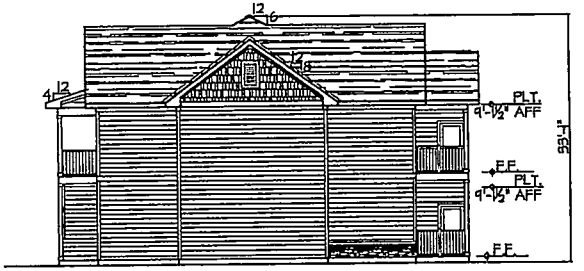

BUILDING C- RIGHT ELEVATION

SCALE: 1/16" = 1'-0"

Pre-Application Package
9-24-18

BUILDING 'C' - ELEVATIONS

Mills Oak Grove Apartments
Glenn Avenue
Asheville, North Carolina

A-28

273

PDI Architecture 1020 Breazeale Road, Pendleton, SC 29670 ph. (864) 224-5800

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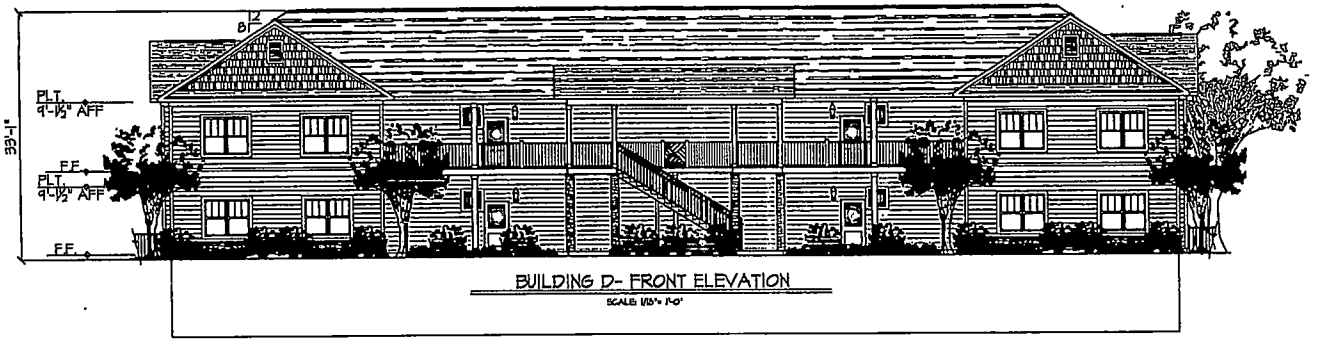
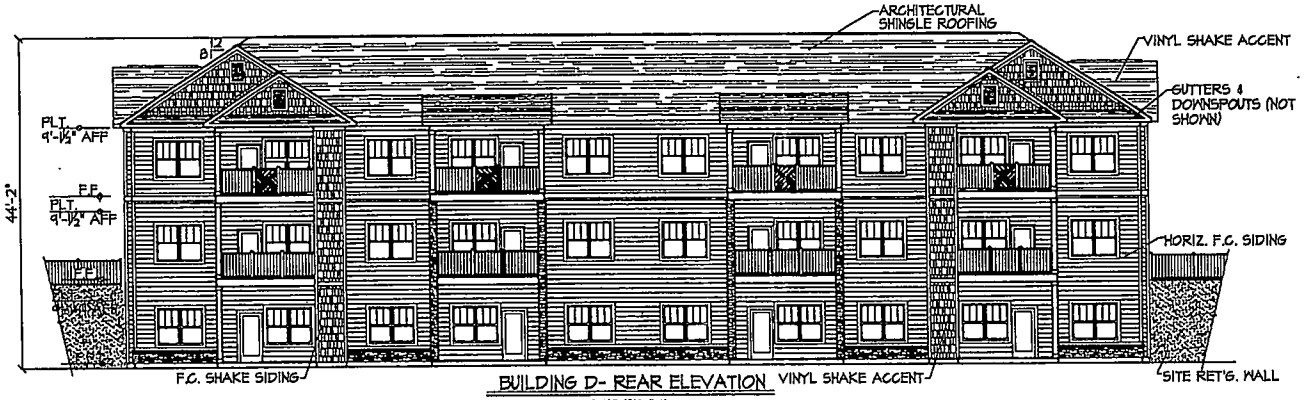


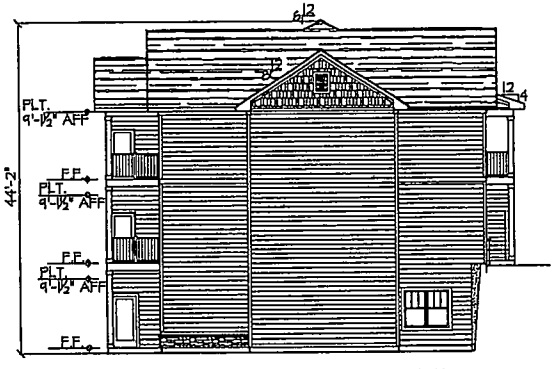
BUILDING D- FRONT ELEVATION

SCALE: 1/16" = 1'-0"



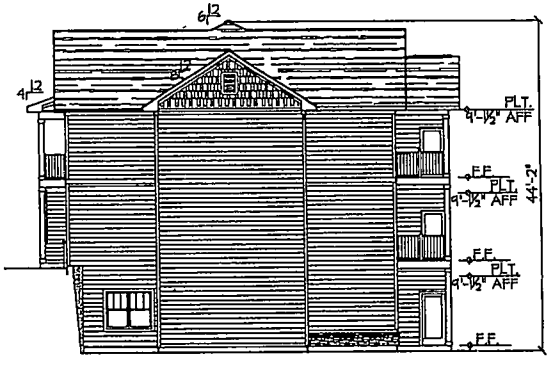
BUILDING D- REAR ELEVATION

SCALE: 1/16" = 1'-0"



BUILDING D- LEFT ELEVATION

SCALE: 1/16" = 1'-0"



BUILDING D- RIGHT ELEVATION

SCALE: 1/16" = 1'-0"

Pre-Application Package
9-24-18

BUILDING 'D' - ELEVATIONS

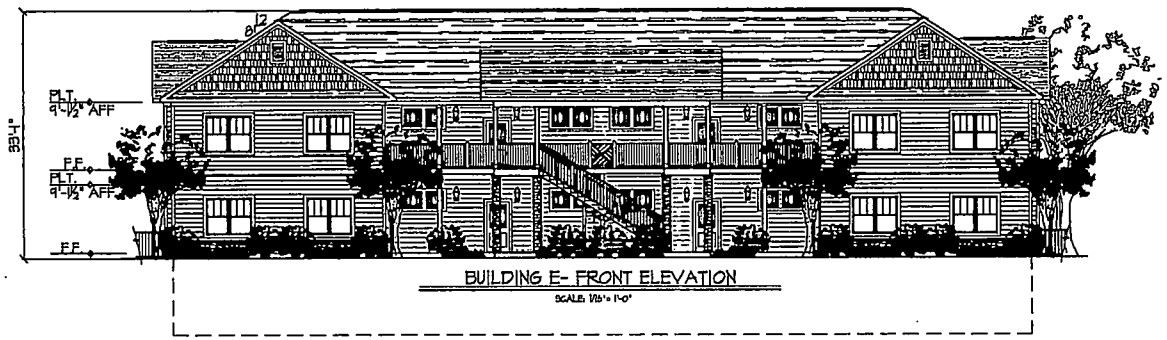
White Oak Grove Apartments

Easter Avenue

Asheville, North Carolina

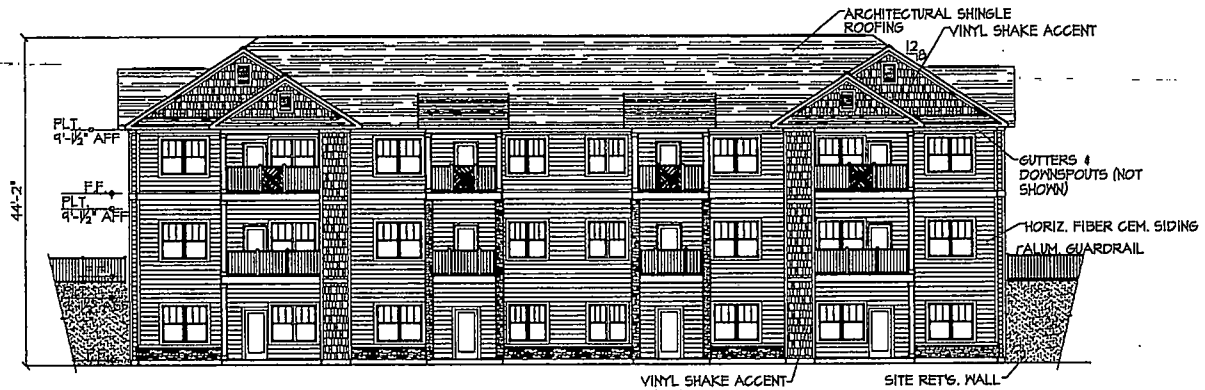
A-3.1

PDI Architecture 1020 Breazeale Road, Pendleton, SC 29670 ph. (864) 224-5800



BUILDING E- FRONT ELEVATION

SCALE: 1/16" = 1'-0"



BUILDING E- REAR ELEVATION

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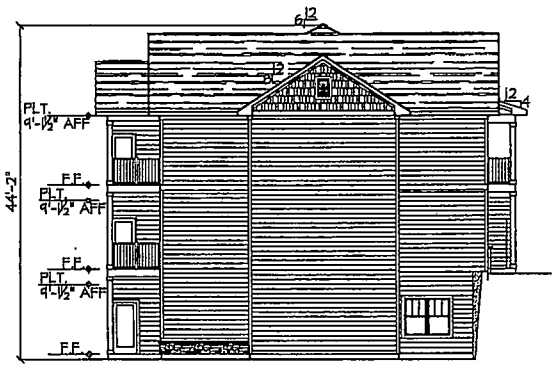
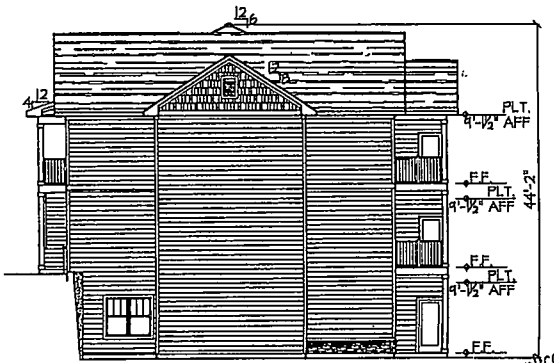


BUILDING E- LEFT ELEVATION

SCALE: 1/16" = 1'-0"



BUILDING E- RIGHT ELEVATION

SCALE: 1/16" = 1'-0"

Pre-Application Package
9-24-18

BUILDING E - ELEVATIONS

White Oak Grove Apartments
Clayton Avenue
Asheville, North Carolina

A-34

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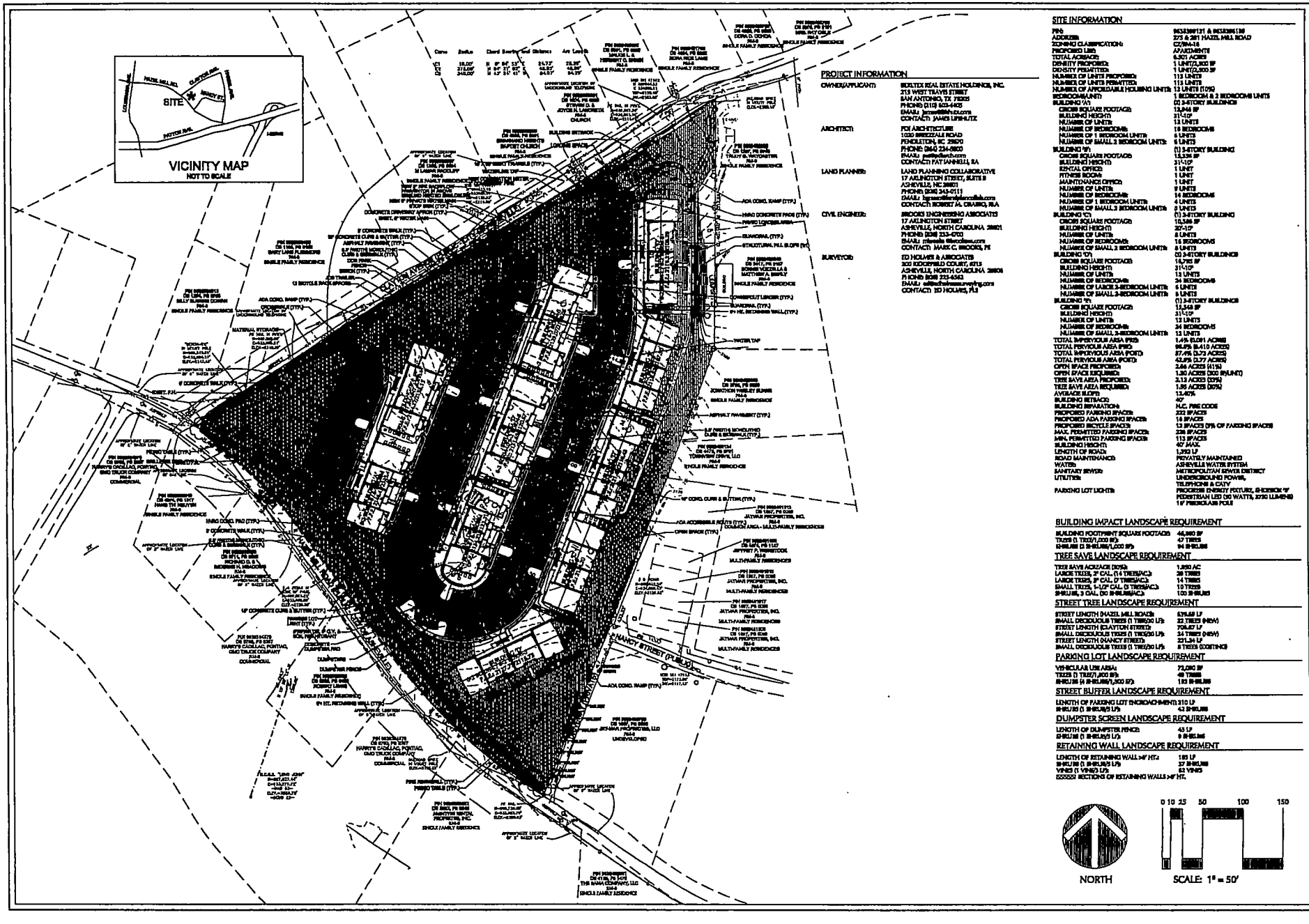
275



PROJECT INFORMATION

OWNER/APPLICANT:	BOLTEX REAL ESTATE HOLDINGS, INC. 213 WEST TRAVIS STREET SAN ANTONIO, TX 78205 PHONE: (210) 603-4405 EMAIL: jarson@bmfn.com CONTACT: JAMES UPSHUTZ
ARCHITECT:	FOI ARCHITECTURE 1020 BREEZEALE ROAD PENDLETON, SC 29670 PHONE: (864) 224-8803 EMAIL: pat@foi3.com CONTACT: PAT IANNELLI, RA
LAND PLANNER:	LAND PLANNING COLLABORATIVE 17 ARLINGTON STREET, SUITE B ASHEVILLE, NC 28801 PHONE: (828) 343-0111 EMAIL: lpcasheville@landplanningcollab.com CONTACT: ROBERT M. GRAHAM, RLA
CIVIL ENGINEER:	BROOKS ENGINEERING ASSOCIATES 17 ARLINGTON STREET ASHEVILLE, NORTH CAROLINA 28801 PHONE: (828) 233-0701 EMAIL: mbrooks@brooksassociates.com CONTACT: MARK C. BROOKS, PE
SURVEYOR:	ED HOLMES & ASSOCIATES 300 EDGEFIELD COURT, #215 ASHEVILLE, NORTH CAROLINA 28806 PHONE: (828) 223-4563 EMAIL: ed@edholmesassociates.com CONTACT: ED HOLMES, PLS

SITE INFORMATION

PIN:	9633.00.9137 & 9633.00.6138
ADDRESS:	275 & 281 HAZEL MILL ROAD
ZONING CLASSIFICATION:	CU/RM-16
PROPOSED USE:	APARTMENTS
TOTAL ACREAGE:	6.301 ACRES
DENSITY PROPOSED:	1 UNIT/2,300 SF
DENSITY PERMITTED:	1 UNIT/2,300 SF
NUMBER OF UNITS PROPOSED:	113 UNITS
NUMBER OF UNITS PERMITTED:	113 UNITS
NUMBER OF AFFORDABLE HOUSING UNITS:	13 UNITS (10%)
BEDROOM/UNIT:	1 BEDROOM & 2 BEDROOM UNITS
BUILDING "A":	(1) 3-STORY BUILDING
GROSS SQUARE FOOTAGE:	13,946 SF
BUILDING HEIGHT:	31'-10"
NUMBER OF UNITS:	13 UNITS
NUMBER OF BEDROOMS:	18 BEDROOMS
NUMBER OF 1 BEDROOM UNITS:	6 UNITS
NUMBER OF SMALL 2 BEDROOM UNITS:	6 UNITS
BUILDING "B":	(1) 3-STORY BUILDING
GROSS SQUARE FOOTAGE:	13,336 SF
BUILDING HEIGHT:	31'-10"
RENTAL OFFICE:	1 UNIT
FITNESS ROOM:	1 UNIT
MAINTENANCE OFFICE:	1 UNIT
NUMBER OF UNITS:	9 UNITS
NUMBER OF BEDROOMS:	14 BEDROOMS
NUMBER OF 1 BEDROOM UNITS:	4 UNITS
NUMBER OF SMALL 2 BEDROOM UNITS:	5 UNITS
BUILDING "C":	(1) 3-STORY BUILDING
GROSS SQUARE FOOTAGE:	10,586 SF
BUILDING HEIGHT:	30'-10"
NUMBER OF UNITS:	8 UNITS
NUMBER OF BEDROOMS:	16 BEDROOMS
NUMBER OF SMALL 2 BEDROOM UNITS:	8 UNITS
BUILDING "D":	(1) 3-STORY BUILDING
GROSS SQUARE FOOTAGE:	14,795 SF
BUILDING HEIGHT:	31'-10"
NUMBER OF UNITS:	12 UNITS
NUMBER OF BEDROOMS:	24 BEDROOMS
NUMBER OF LARGE 2-BEDROOM UNITS:	6 UNITS
NUMBER OF SMALL 2-BEDROOM UNITS:	6 UNITS
BUILDING "E":	(1) 3-STORY BUILDING
GROSS SQUARE FOOTAGE:	12,549 SF
BUILDING HEIGHT:	31'-10"
NUMBER OF UNITS:	12 UNITS
NUMBER OF BEDROOMS:	24 BEDROOMS
NUMBER OF SMALL 2-BEDROOM UNITS:	12 UNITS
TOTAL IMPERVIOUS AREA (PRE):	1.4% (0.091 ACRES)
TOTAL PERVIOUS AREA (PRE):	98.6% (6.410 ACRES)
TOTAL IMPERVIOUS AREA (POST):	27.4% (1.72 ACRES)
TOTAL PERVIOUS AREA (POST):	72.6% (4.57 ACRES)
OPEN SPACE PROPOSED:	2.66 ACRES (41%)
OPEN SPACE REQUIRED:	1.35 ACRES (300 SF/UNIT)
TREE SAVE AREA PROPOSED:	2.13 ACRES (33%)
TREE SAVE AREA REQUIRED:	1.95 ACRES (30%)
AVERAGE SLOPE:	12.40%
BUILDING SETBACK:	40'
BUILDING SEPARATION:	N.C. FIRE CODE
PROPOSED PARKING SPACES:	222 SPACES
PROPOSED ADA PARKING SPACES:	16 SPACES
PROPOSED BICYCLE SPACES:	12 SPACES (5% OF PARKING SPACES)
MAX. PERMITTED PARKING SPACES:	226 SPACES
MIN. PERMITTED PARKING SPACES:	113 SPACES
BUILDING HEIGHT:	40' MAX.
LENGTH OF ROADS:	1,250 LF
ROAD MAINTENANCE:	PRIVATELY MAINTAINED
WATER:	ASHEVILLE WATER SYSTEM
SANITARY SEWER:	METROPOLITAN SEWER DISTRICT
UTILITIES:	UNDERGROUND POWER, TELEPHONE & CATV
PARKING LOT LIGHTS:	PROGRESS ENERGY FIXTURE, SI-SERIES 'B' PEDESTRIAN LED (30 WATTS, 2730 LUMENS) 18' FIBERGLASS POLE

BUILDING IMPACT LANDSCAPE REQUIREMENT

BUILDING FOOTPRINT SQUARE FOOTAGE:	46,980 SF
TREES (1 TREE/1,000 SF):	47 TREES
SHRUBS (2 SHRUBS/1,000 SF):	94 SHRUBS

TREE SAVE LANDSCAPE REQUIREMENT

TREE SAVE ACREAGE (30%):	1.890 AC
LARGE TREES, 2" CAL. (14 TREES/AC.):	26 TREES
LARGE TREES, 3" CAL. (7 TREES/AC.):	14 TREES
SMALL TREES, 1-1/2" CAL. (5 TREES/AC.):	10 TREES
SHRUBS, 3 CAL. (50 SHRUBS/AC.):	100 SHRUBS

STREET TREE LANDSCAPE REQUIREMENT

STREET LENGTH (HAZEL MILL ROAD):	639.68 LF
SMALL DECIDUOUS TREES (1 TREE/50 LF):	22 TREES (NEW)
STREET LENGTH (CLAYTON STREET):	704.87 LF
SMALL DECIDUOUS TREES (1 TREE/50 LF):	24 TREES (NEW)
STREET LENGTH (NANCY STREET):	221.34 LF
SMALL DECIDUOUS TREES (1 TREE/50 LF):	8 TREES (EXISTING)

PARKING LOT LANDSCAPE REQUIREMENT

VEHICULAR USE AREA:	72,080 SF
TREES (1 TREE/1,000 SF):	48 TREES
SHRUBS (4 SHRUBS/1,000 SF):	192 SHRUBS

STREET BUFFER LANDSCAPE REQUIREMENT

LENGTH OF PARKING LOT ENCROACHMENT:	210 LF
SHRUBS (1 SHRUB/5 LF):	42 SHRUBS

DUMPSTER SCREEN LANDSCAPE REQUIREMENT

LENGTH OF DUMPSTER FENCE:	45 LF
SHRUBS (1 SHRUB/5 LF):	9 SHRUBS

RETAINING WALL LANDSCAPE REQUIREMENT

LENGTH OF RETAINING WALL >4' HT.:	185 LF
SHRUBS (1 SHRUB/5 LF):	37 SHRUBS
VINES (1 VINE/3 LF):	63 VINES

SECTIONS OF RETAINING WALLS >4' HT.

LAND PLANNING COLLABORATIVE

MASTER PLAN

WHITE OAK GROVE APARTMENTS

ASHEVILLE, NORTH CAROLINA

JOB NO.: 2013000

DWG. NAME: wog-site.dwg

DATE: October 28, 2013

REVISIONS

REV	DATE	
1	11/8/13	RMG
2	-	-
3	-	-
4	-	-
5	-	-

SHEET

L-1

ORDINANCE NO. 4723

ORDINANCE ESTABLISHING CONDITIONAL ZONING FOR PROPERTY LOCATED AT 99999 FERRY ROAD

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this proposed amendment is consistent with the City's 2025 Comprehensive Plan and other official plans of the City, which is hereby adopted and incorporated by reference; and

WHEREAS, this proposed ordinance is determined to be reasonable and in the public interest as follows:

a. The project will provide a mix of housing units that will help to meet the demand for housing in Asheville.
b. The development is compatible with current and desired future land uses.
c. The project helps to preserve environmentally sensitive land adjacent to the French Broad River.
d. The project aligns with the community character for this area as specified in the Living Asheville Comprehensive Plan

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

The zoning classification of that certain real property described in Exhibit A and identified on Buncombe County tax maps as PIN 9636-10-3860 recorded in Deed Book 5310, Page 500 and currently owned by Buncombe County from Residential Multi-Family High Density District (RM16) to Commercial Expansion District (COM EXP) and Residential Expansion District (RES EXP), as shown on Exhibit "A", subject to the

conditions set out in Exhibit "B.1", and substantially complies with the site plans shown on Exhibit "C", and amending the Future Land Use Map from Traditional Neighborhood to Residential Neighborhood as shown on Exhibit "D", all attached hereto and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. The ordinances shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 5. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 8th day of January, 2019.

Magdalen Bouleson
City Clerk

Esther E. Manheimer
Mayor

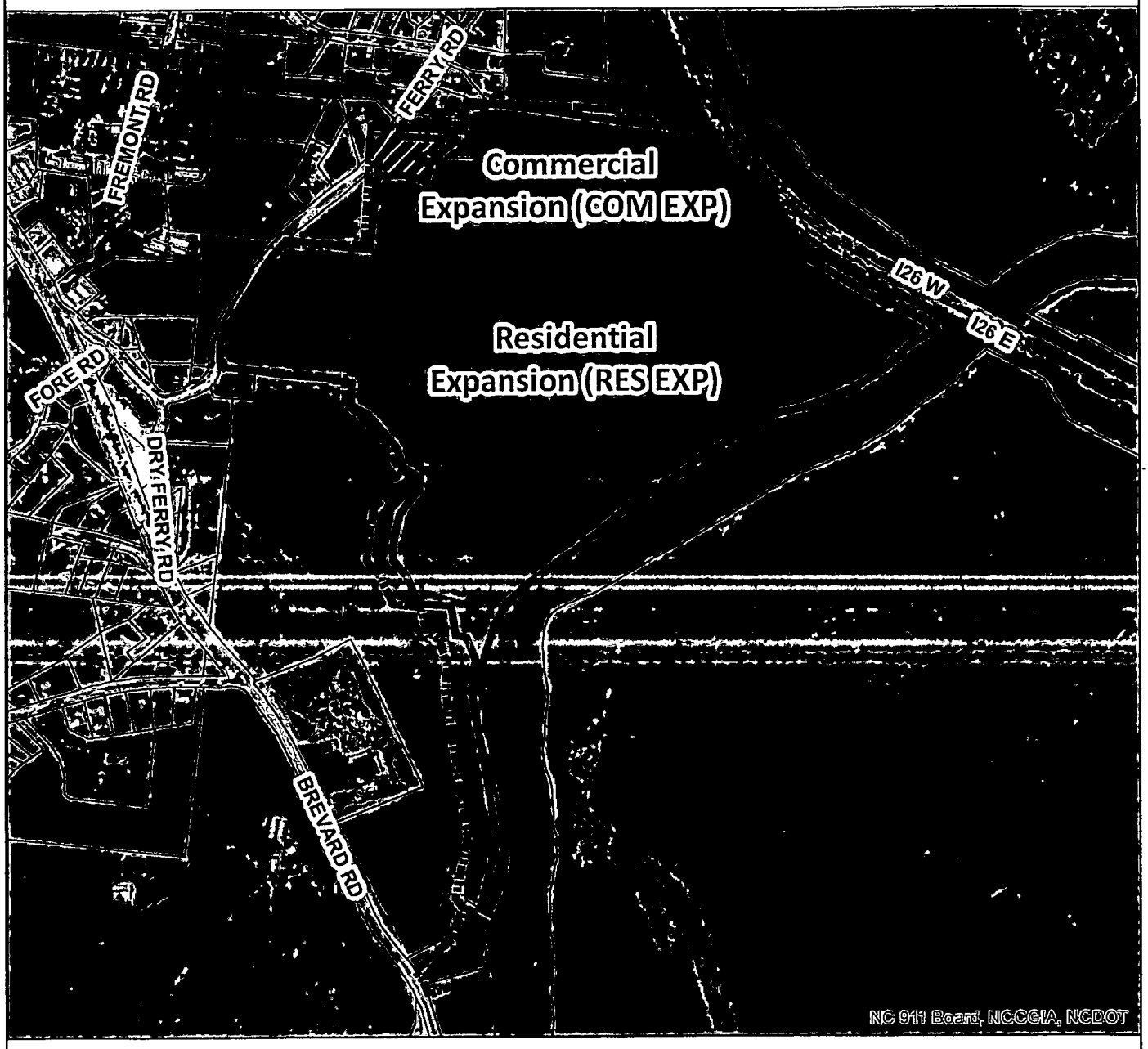
Approved as to form:

Helen P. Rez
City Attorney

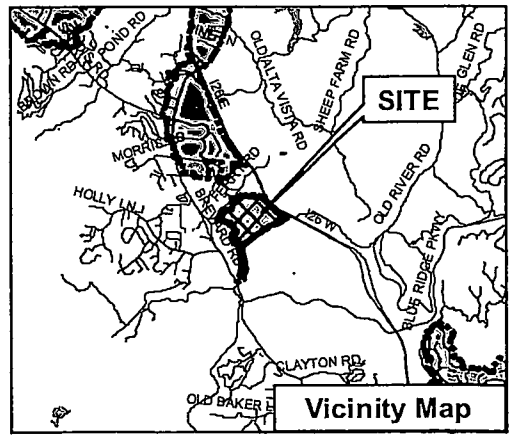
Magdalen Bouleson
City Clerk

Exhibit "A"

City of Asheville - Zoning
Level III/Conditional Zoning - Riverwoods



Project Name:	Riverwoods Subdivision
Project Number:	18-06585 PZ
Project Description:	Level III/Conditional Zoning
Petitioner(s):	John Kinnaird/Jennifer Lanning
Parcel ID Number(s):	9636-10-3860
Location/Address:	99999 Ferry Road



Project Site
Parcels
Streets
Asheville City Limits

City of Asheville Planning and Urban Design Department - December 2018

B.1 Conditions
Riverwoods Subdivision

1. No uses other than those that are permitted in the table of uses shall be allowed in each zoning district

2. For compact development, the minimum FRONT setbacks for structures in the COM EXP district shall be zero (0) feet.

3. For compact development, the minimum dimensional standards in the RES EXP district shall be:
   a. Minimum lot size: 2,500 SF
   b. Front setback: 10 feet
   c. Rear setback: 10 feet
   d. Minimum lot width: 26 feet

4. For compact development and environmental sensitivity, sidewalks in both zoning district shall be reduced from ten (10) feet to a minimum six (6) feet wide in COM EXP and five (5) feet wide in RES EXP.

5. Due to the creation of internal trails and a future Buncombe County Greenway, no sidewalks shall be required along Ferry Road. Sidewalks along Ferry Road would not provide any connectivity and would cause a great deal of land disturbance during construction due to significant grading requirements on the steep banks.

6. In place of a 30-foot property line buffer that would impact the flattest buildable sites to possibly reduce the number of lots, the project will provide at least 20 feet of undisturbed area along the perimeter of the site, consistent with UDO Sec. 7-11-3 (c) *Preservation and protection of existing vegetation*

7. Due to the provision of more than 40% of the parcel for open space, the maximum impervious standard for single-family residential parcels in the RES EXP shall be 70%

8. The total number of units shall not exceed four hundred sixteen (416) but may be reduced by up to fifteen percent (15%).

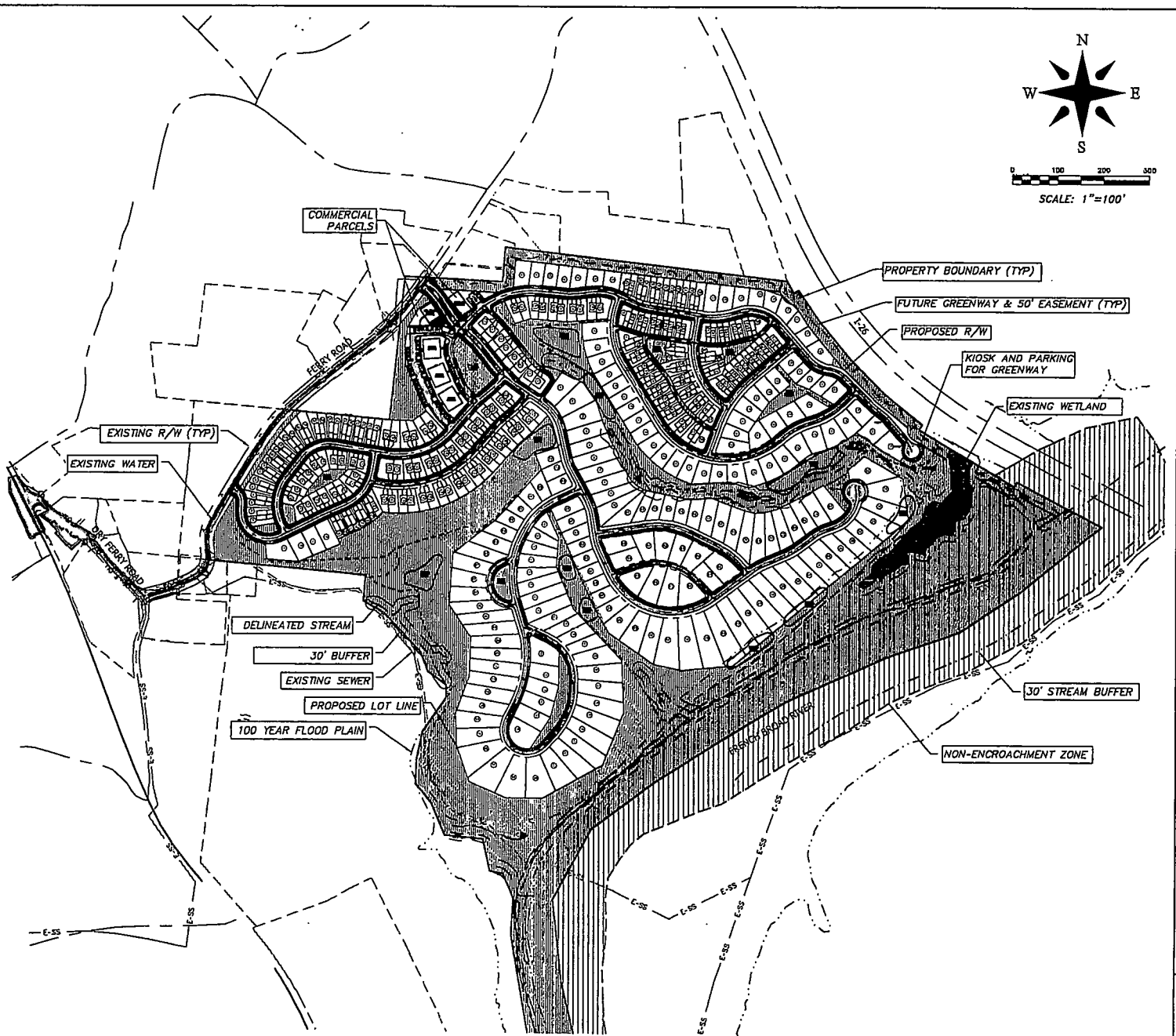
9. At least eight (8) percent of the total number of units at initial sale will be affordable to people at or below 100% of Area Median Income (AMI) as published annually by the Department of Housing & Urban Development (HUD). City shall be notified of sales price prior to final Certificate of Occupancy of unit to ensure the initial sales price is at this affordability price point.

281

Exhibit "C"

SITE PLAN LEGEND

- EXIST. BOUNDARY
- EXIST. STREAM
- EXIST. STREAM BUFFER
- EXIST. WETLAND
- EXIST. RIGHT OF WAY
- EXIST. EASEMENT
- EXIST. BUILDING SETBACK
- EXIST. BUILDING
- EXIST. SIDEWALK
- EXIST. EDGE OF PAVING
- EXIST. CURB & GUTTER
- EXIST. SEWER EASEMENT
- EXIST. FIRE HYDRANT
- EXIST. WATER EASEMENT
- EXIST. OVERHEAD UTILITIES
- EXIST. RETAINING WALL
- NEW PROPERTY LINES
- NEW RIGHT OF WAY
- NEW EASEMENT
- BUILDING SETBACK LINE
- NEW BUILDING
- NEW 24" CURB & GUTTER
- NEW SIDEWALK
- NEW PAVEMENT
- NEW HEAVY DUTY PAVEMENT
- NEW GRAVEL
- NEW LANDSCAPE BUFFER
- NEW SEWER EASEMENT
- NEW COA GREENWAY
- NEW TRAIL SYSTEM
- DELINEATED STREAM
- 100 YEAR FLOOD PLAIN
- NEW WATER EASEMENT
- NEW YARD INLET
- NEW CATCH BASIN
- NEW DROP INLET
- NEW JUNCTION BOX
- NEW OPEN SPACE
- NEW RETAINING WALL



DEVELOPMENT TEAM INFORMATION
DEVELOPER:
COMPANY: RON HIRJI
CONTACT: RON HIRJI
EMAIL: hirjiron@gmail.com
PHONE: 310-301-1587
ENGINEER:
COMPANY: BROOKS ENGINEERING ASSOCIATES
CONTACT: JOHN KINNAIRD, PE
EMAIL: jkinnaird@brooksea.com
PHONE: 828-232-4700

SITE INFORMATION
CITY OF ASHEVILLE PROJECT NUMBER: 16-08685 PZ
CURRENT ZONING: R41S
PROPOSED ZONING:
COMMERCIAL PARCELS: COMMERCIAL EXP. DISTRICT
RESIDENTIAL PARCELS: RESIDENTIAL EXP. DISTRICT
PROJECT NAME: RIVERWOODS SUBDIVISION
STREET ADDRESS: 99999 FERRY ROAD, ASHEVILLE, NC
PARCEL NUMBER: 0638-10-3860
TOTAL ACREAGE: 137.22 ACRES

PROJECT INFORMATION
MINIMUM OPEN SPACE REQUIRED (20%): 27.44 ACRES
OPEN SPACE PROVIDED: 58.76 ACRES (42.8%)
MINIMUM PROPOSED LOT SIZE: 0.05 ACRES
MAXIMUM PROPOSED LOT SIZE: 0.72 ACRES
MAXIMUM ALLOWED BUILDING HEIGHT: 80'
MAXIMUM PROPOSED BUILDING HEIGHT: 45'
PROPOSED TOTAL COMMERCIAL SIZE: 8,000 – 15,000 SF
ALLOWED COMMERCIAL:
DAYCARE FACILITY, SMALL OFFICE SPACE, LIVE-WORK
SMALL RESTAURANT
PROPOSED RESIDENTIAL UNITS:
DUPLEXES: 188
CONDOMINIUMS: 36
LIVE / WORK: 4
SINGLE FAMILY LOTS: 188
TOTAL: 416
IMPERVIOUS AREAS:
ROAD: 10.34 ACRES
SIDEWALK: 2.24 ACRES
BUILDINGS: 0.85 ACRES
DUPLEX LOTS: 6.38 ACRES
SINGLE FAMILY LOTS (2,600sf PER LOT): 9.24 ACRES
TOTAL: 28.85 ACRES (21%)
TOTAL DISTURBED AREA (NO SINGLE FAMILY):
47.8 ACRES (34.7%)

ROADWAY AND PARKING INFORMATION
LINEAR FEET OF ROAD:
BOULEVARD: 548
LOCAL ROAD: 3,281
LOW IMPACT ROAD: 6,054
ONE-WAY ROAD: 2,587
ALLEY: 1,928
TOTAL: 14,398
MAXIMUM ROAD GRADE: 12.0%
PARKING CALCULATIONS:
PARKING REQUIRED:
CONDOMINIUMS (36) UNITS: 36 MINIMUM, 72 MAXIMUM
LIVE-WORK (4 UNITS): 16 MINIMUM, 20 MAXIMUM
COMMERCIAL BUILDLING: 17 MINIMUM, 24 MAXIMUM
TOTAL: 69 MINIMUM, 116 MAXIMUM
PARKING PROVIDED: 105 PARKING SPACES
NOTE: DUPLEX AND SINGLE FAMILY PARKING PROVIDED AT UNIT

No.	REVISIONS/SUBMISSIONS	Date
1.	CONCEPTUAL TRC PLANS	8/22/18
2.	PLANNING & ZONING PLANS	10/15/18

BROOKS ENGINEERING ASSOCIATES NORTH CAROLINA CERT.# C-3325

CONCEPTUAL PLANS

Drawn/Checked: KJCB
Date: 10-15-18
Scale: AS NOTED
Checked: JDK

17 Arlington Street
Asheville, N.C. 28801
Phone: 1-828-232-4700
Fax: 1-828-232-1331
www.brooksea.com

BROOKS ENGINEERING ASSOCIATES

Planning • Engineering • Surveying • Environmental Services •

RIVERWOODS SUBDIVISION
MIXED USE SUBDIVISION
CITY OF ASHEVILLE NORTH CAROLINA

Project No: 469218

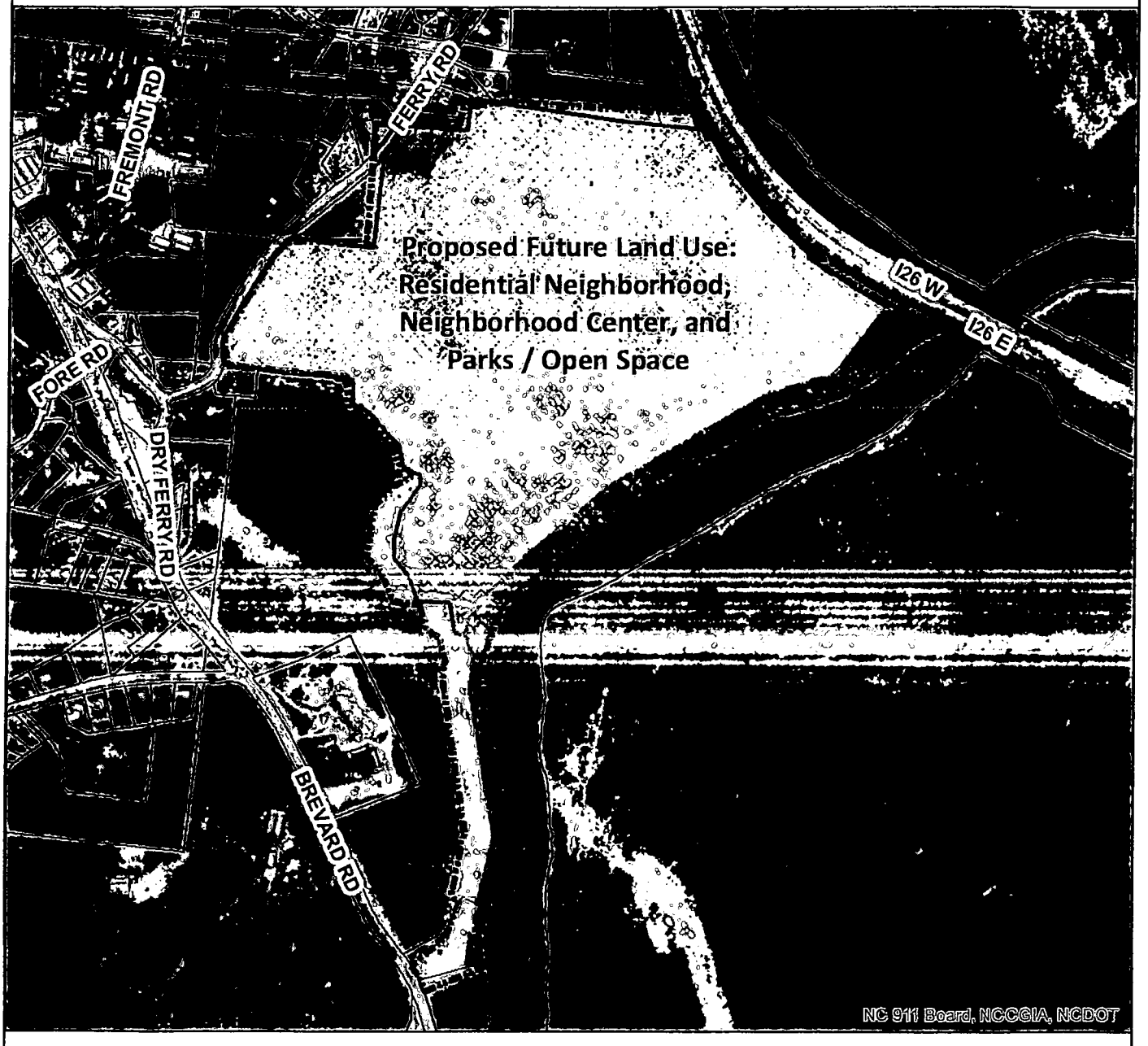
C-4.0

Drawing Title: OVERALL SITE PLAN

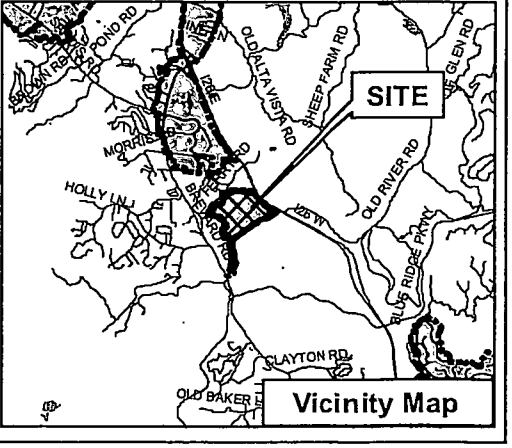
File Location: L:\2018 Projects\182218 RIV-Ferry Rd Development\Dwg\PLANNING AND ZONING PLANS.dwg

282

City of Asheville - Exhibit D Map
Level III/Conditional Zoning - Riverwoods



Project Name: Riverwoods Subdivision
Project Number: 18-06585 PZ
Project Description: Level III/Conditional Zoning
Petitioner(s): John Kinnaird
Parcel ID Number(s): 9636-10-3860
Location/Address: 99999 Ferry Road



Project Site
Zoning Districts
Parcels
Streets
Asheville City Limits
River Areas

City of Asheville Planning and Urban Design Department - November 2018

ORDINANCE NO. 4724

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 22nd day of January, 2019.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

PURPOSE: Contract for Outside Legal Services

Magdalen Burleson
City Clerk

CITY OF ASHEVILLE

BUDGET AMENDMENT

2018/19	1/22/2019
FISCAL YEAR	EFFECTIVE DATE

Purpose: To pay additional outside Legal service fees.

Requesting Department: Legal

Amendment to: General Fund

	Account	Current Budget	Amended Budget	Increase (Decrease)
Revenues				
11000032-499100	Appropriated Fund Balance	$1,205,000.00	$ 1,505,000.00	$ 300,000.00
Expenditures				
11000020-521003	Legal Services	$ 200,000.00	$ 500,000.00	$ 300,000.00
BALANCE				**$ - .00**

ORDINANCE NO. 4725

ORDINANCE AMENDING CONDITIONAL ZONING FOR PROPERTY LOCATED AT 252 PATTON AVENUE

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this proposed amendment is consistent with the Living Asheville A Comprehensive Plan for our Future, Smart Growth policies, and other official plans of the City for the reasons set out in the Staff Report, which is hereby adopted and incorporated by reference; and

WHEREAS, this proposed ordinance is determined to be reasonable and in the public interest as follows:

a. Minimizes land use impacts through innovative design,
b. Utilized a thorough public input and community engagement process, and
c. Provides a critical service need in an area targeted for needed growth.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

The zoning classification of that certain real property described in Exhibit A and identified on Buncombe County tax maps as PINs 9648-19-0460 and 9648-09-9255 and recorded in Deed Books 5573, Page 1822, and 5697, Page 383 respectively, currently owned by Duke Energy Progress LLC, from Central Business District and Residential Multi-family, Medium Density respectively to Central Business Conditional Zone district collectively. A copy of the official zoning map showing said lots is attached hereto as Exhibit "A" and made a part hereof. Said rezoning is subject to the conditions set out in Exhibit "B.1", and substantially complies with the site plans and building elevations shown in Exhibit "D",

both attached hereto and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. The ordinances shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 5. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 22nd day of January, 2019.

Magdalen Bowlesson
City Clerk

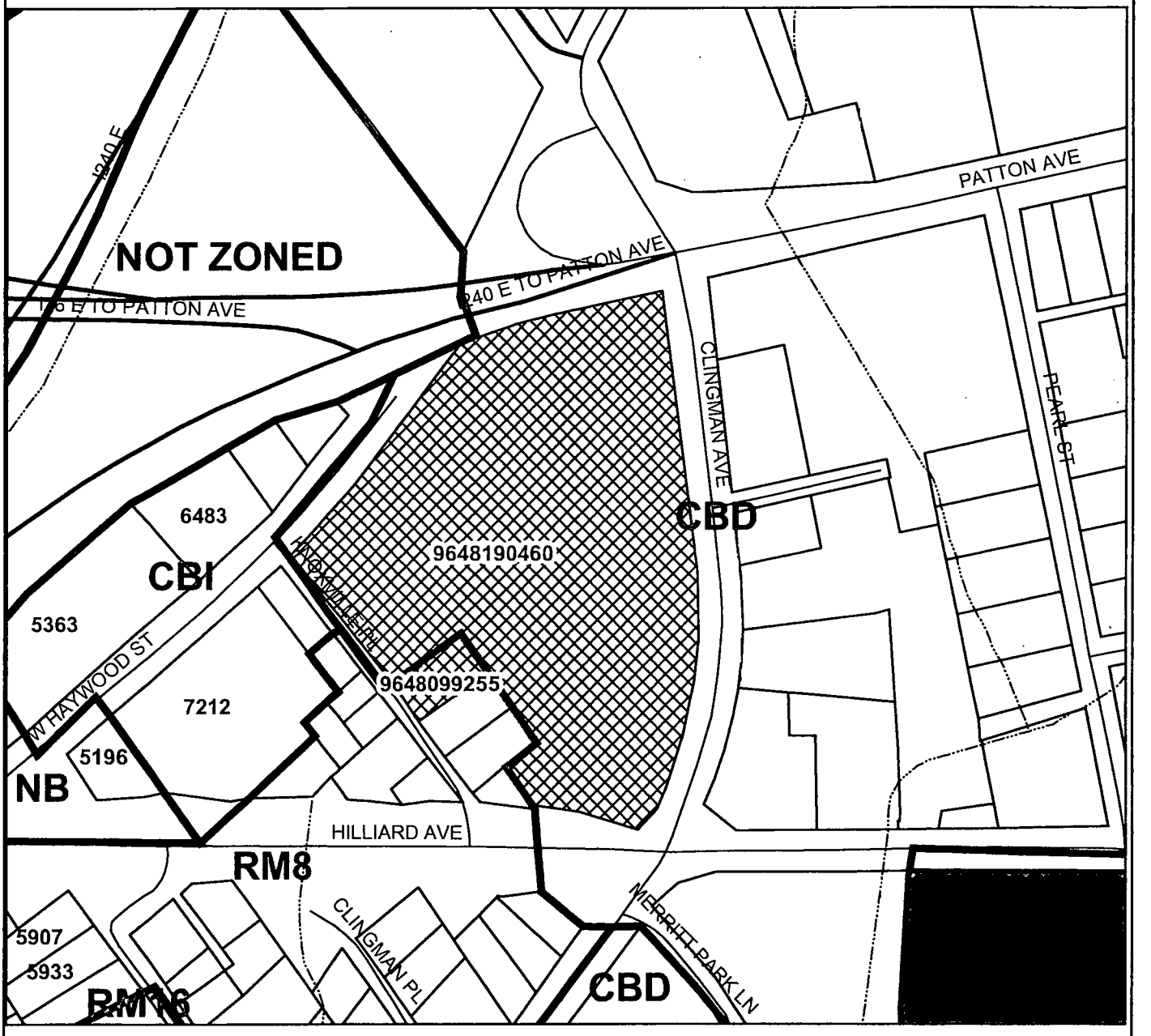
Esther G Manheimer
Mayor

Approved as to form:

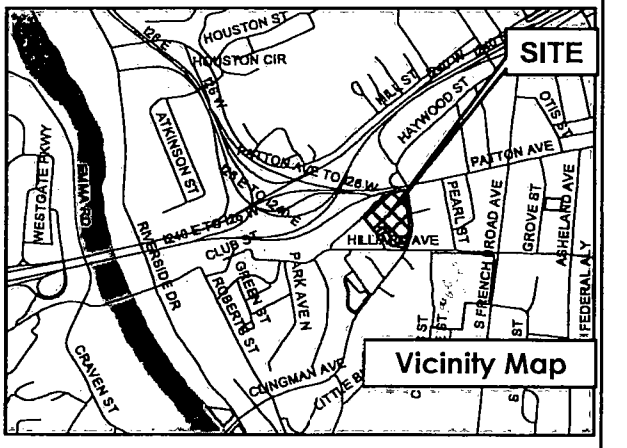
John Maddox
City Attorney

Magdalen Bowlesson
City Clerk

City of Asheville - Exhibit A Existing Zoning Map
Conditional Zoning Review
252 Patton Ave.



Project Name: Duke Energy Substation
Project Number: 18- 06821PZ
Project Description: CZ from CBD/RM8 to CBD-CZ
Petitioner(s): Corey George
Parcel ID Number(s): 9648-19-0460; 09-9255
Location/Address: 252 Patton Ave. & 28 Knoxville Pl.



Project Site
Parcels
Zoning Districts
Asheville City Limits
Streets
Streams

City of Asheville Planning and Urban Design Department - July 2018

B-1 Conditions
252 Patton Ave. - Duke Energy Substation

1. The zoning for the property is Central Business District – Conditional Zone (CBD-CZ).

2. The approval is for a 5200 square foot, single story building housing a gas-insulated switchgear (GIS) electric utility substation.

3. The substation will be surrounded by a paved area that is to be secured with a fence and gate.

4. The height of the building will not exceed one story plus a basement, and not exceed 32 feet in overall height.

5. There will be transmission and distribution lines entering and exiting the site as indicated on the site plans and building elevations incorporated herein by reference.

6. The development will be built on a parcel consisting of approximately 1.04 acres, PIN 9648-19-0460 & a portion of 9648-09-9255, as indicated on the Exhibit E recombination plat which is attached hereto and incorporated herein by reference.

7. Subject to the approval of the North Carolina Department of Transportation, the right-of-way along Patton Avenue will be expanded an additional twelve (12) feet onto the subject property in order to accommodate future pedestrian and transportation improvements.

8. The new sidewalk along West Haywood Street will be a minimum of twelve (12) feet wide.

9. Subject to the approval of the North Carolina Department of Transportation, the right-of-way along Clingman Avenue will be expanded an additional nineteen (19) feet onto the subject property in order to accommodate future transportation improvements.

10. Existing sidewalk along Clingman Avenue and Patton Avenue will be retained.

11. A six foot tall decorative masonry and metal fence will be installed along West Haywood Street. A separate security fence will be installed around the perimeter of the substation.

12. A stone masonry wall will be constructed along the southeast corner of the subject property and will range in height from 3-20 feet.

13. Project will provide primary vehicular access directly to Clingman Avenue via a new driveway contained within a 30 foot access easement. This driveway may be shared by adjacent development.

14. Formal on-site parking is not included in this proposal; however, vehicles may be parked on the property anywhere between the building and the security fence for the on-going maintenance of the substation.

15. Twelve (12) small maturing trees will be planted in 4'x9' tree pits with tree grates along West Haywood St. Fifteen (15) small maturing trees will be planted along Knoxville Pl. Tree spacing and all other landscaping will be provided as indicated on the landscape plan and incorporated herein by reference.

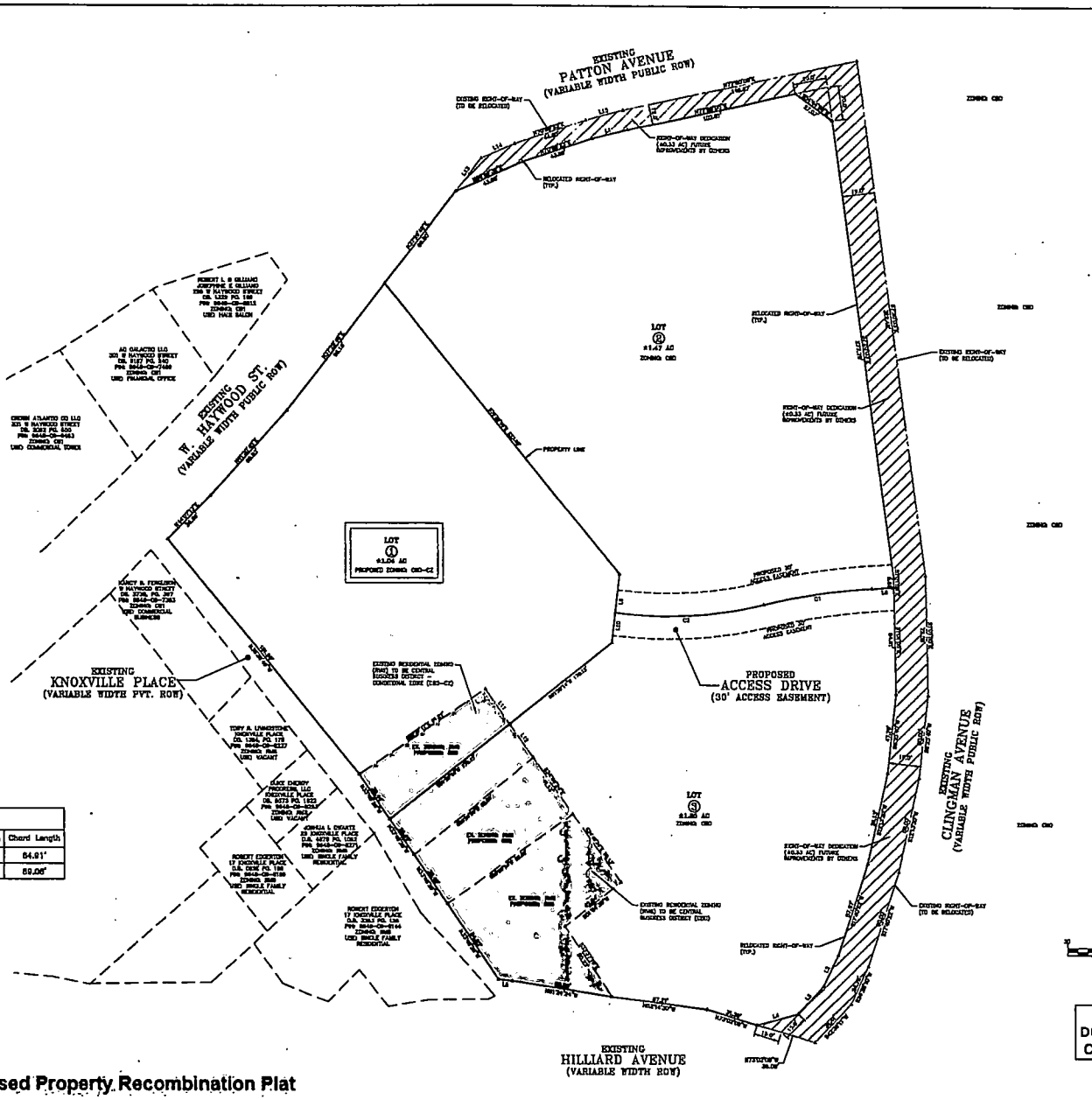
16. The building design and fenestration, site design, construction materials, and orientation on site must substantially comply with the approved site plan and building elevations, which are incorporated herein by reference. Any major deviations from these plans may require a rezoning by the City Council.

17. All exterior lighting shall comply with the Unified Development Ordinance.

18. All signage shall comply with the City of Asheville sign standards.

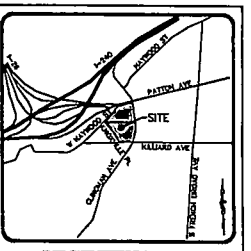
19. All legally required local, state, and federal permits and approvals must be obtained prior to initiation of construction and any pertinent legal requirements shall be met.

20. The conditional zoning will be valid for a period of two years from the date of approval by City Council. If a building permit is not obtained within two years, the approval will no longer be valid and the city may initiate a rezoning back to the former zoning designation.



Parcel Line Table		
Line #	Length	Direction
L1	22.20'	N75° 08' 43"E
L2	20.59'	S24° 25' 10"W
L3	22.61'	S42° 39' 11"W
L4	25.40'	S74° 48' 32"W
L5	8.25'	N54° 59' 40"W
L6	13.08'	S88° 13' 19"W
L9	23.85'	S8° 27' 57"W
L10	18.57'	S8° 27' 57"W
L11	25.57'	S34° 49' 24"E
L12	24.54'	S34° 49' 24"E
L13	23.15'	N37° 29' 48"E
L14	22.10'	N55° 59' 39"E
L15	22.92'	N75° 08' 43"E

Curve Table					
Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C1	65.00'	362.00'	10.29'	S51° 04' 40"W	64.91'
C2	89.59'	235.00'	21.57'	S25° 43' 03"W	89.06'



VICINITY MAP
1"=1000'

SITE DATA BLOCK	
CITY OF ASHEVILLE PROJECT NO.	TBD
ZONING DISTRICT	CENTRAL BUSINESS DISTRICT (CBD)
PROJECT NAME	ASHEVILLE PATTON AVENUE 115kV SUBSTATION
PHYSICAL ADDRESS	363 PATTON AVENUE ASHEVILLE, NC 28801
PIN	9642-13-0453-00000 (DB 3573, PG 1322) (PB 0181, PG 0274) - 3.79 AC
PIN (TO BE RECOMBINED)	9642-09-9286-00000 - 0.11 AC 9642-09-9391-00000 - 0.10 AC 9642-13-0117-00000 - 0.10 AC 9642-13-0153-00000 - 0.04 AC
TOTAL PROPERTY AREA	4.13 ACRES
RIGHT-OF-WAY DEDICATION	0.34 ACRES
PROPOSED PARCEL (LOT-1)	1.04 ACRES

PROJECT DATA BLOCK	
PROPOSED LAND USE	ELECTRIC SUBSTATION
LOT SIZE STANDARDS	NONE
DENSITY STANDARDS	NONE
STRUCTURE SIZE STANDARDS	NONE-SHALL NOT BE LIMITED EXCEPT THAT HEIGHT AND DESIGN AND OPERATIONAL STANDARDS SHALL APPLY.
NUMBER OF PROPOSED BUILDINGS	1 AT 5,300 SF (GFA)
MIN. BUILDING HEIGHT REQUIRED BUILDING HEIGHT PROPOSED	24' (2-STORIES) 20' (2-STORIES)
PARKING REQUIREMENTS	NOT APPLICABLE
ZONING SETBACKS	0', 15' (WHEN ADJACENT TO RESIDENTIAL ZONED PROPERTY)
TOTAL DISTURBED AREA	4.30 ACRES
PROPOSED IMPERVIOUS AREA	0.38 ACRES (8.48% OF SITE)
EXISTING IMPERVIOUS AREA	3.15 ACRES
MAX DRIVEWAY GRADE	8.0%
WATERSHED	FRENCH BROAD RIVER
FLOOD ZONE	ZONE X (NOT SHOWN ON 0.2% ANNUAL CHANCE FLOOD HAZARD ZONE) AS PER FEMA FIRM COMMUNITY PANEL NO. 3700884600L1 EFFECTIVE DATE 09-06-2018

CONDITIONAL ZONING DATA BLOCK	
EXISTING ZONING DISTRICT	CENTRAL BUSINESS DISTRICT (CBD)
PROPOSED ZONING DISTRICT	CONDITIONAL ZONING
PROPOSED AREA	1.04 AC (LOT 1)
PROPOSED IMPERVIOUS AREA	0.88 AC (84.62%)

CONTACT INFORMATION:

OWNER/APPLICANT:
DUKE ENERGY PROGRESS, LLC
410 S. WILMINGTON STREET
RALEIGH, NC 27601
CONTACT: TM BANE, PE – MANAGER – SITE DESIGN AND PERMITTING
Email: tm.bane@duke-energy.com
919-546-7484

ENGINEER:
MCADAMS
3430 TOWNSGATE WAY, SUITE 110
CHARLOTTE, NC 28277
CONTACT: CORY KEZNEK, PE, PLS
ckeznek@mcadams.com
704-527-0800 x 214 (OFFICE)
919-571-2010 (CELL)

SURVEYOR:
VALDESE & MELTON
1218F PATTON AVENUE
ASHEVILLE, NC 28806
CONTACT: 828-253-2798

GRAPHIC SCALE
1 inch = 30 ft.

MCADAMS
THE JOHN R. McADAMS COMPANY, INC.
3430 Toringdon Way
Suite 110
Charlotte, North Carolina 28277
License No.: C-0293
704. 527. 0800 • McAdamsCo.com

PRELIMINARY
DO NOT USE FOR CONSTRUCTION

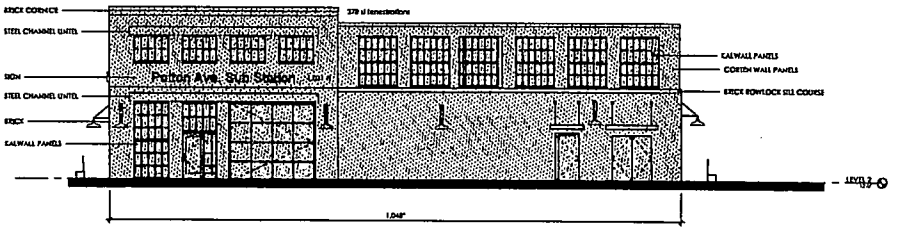
DUKE ENERGY. PROGRESS

ASHEVILLE PATTON AVENUE
115KV SUBSTATION
ZONING PLAN

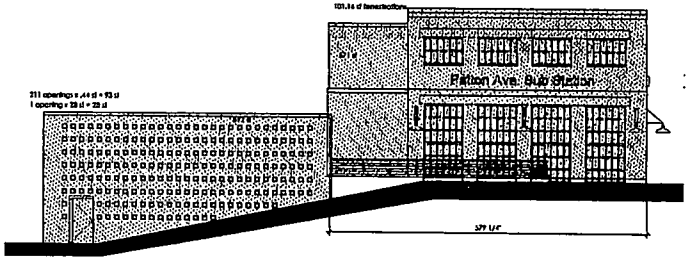
NO.	DATE	REVISION	BY	CK.	APP.

LOCATION ASHEVILLE, NC
SCALE 1" = 30' SCALE RATIO 1:1
DRAWN SAW CHK. JCC APP. —
DATE 08/20/18 DWG. NO. 75169 SHEET 1 OF 1

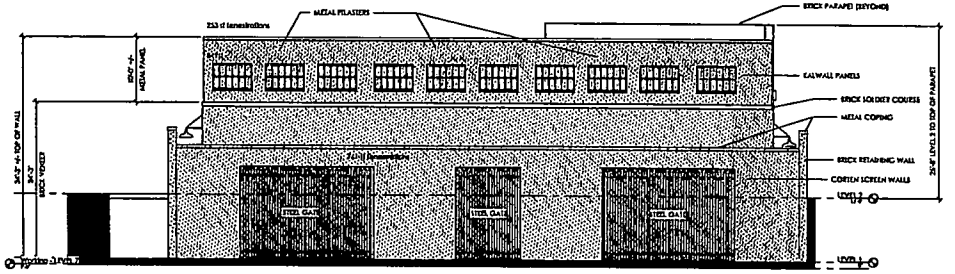
Exhibit E - Proposed Property Recombination Plat



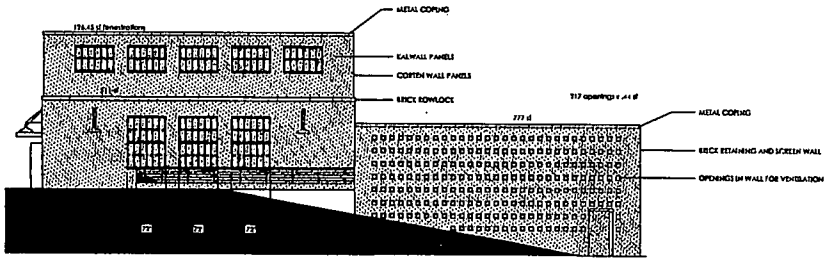
NORTH ELEVATION - FENESTRATION ①
1/8" = 1'-0"



EAST ELEVATION - FENESTRATION ④
1/8" = 1'-0"



SOUTH ELEVATION - FENESTRATION ②
1/8" = 1'-0"



WEST ELEVATION - FENESTRATION ③
1/8" = 1'-0"

FENESTRATION ATTACHMENT - STRIPING
NORTH ELEVATION
STEEL LEVEL - WEST HAYWOOD ST. PROVIDED WALL LENGTH: 1,048 lin FENESTRATION: 426 lin [29%] REQUIRED: 180
UPPER CLERESTORY LEVEL PROVIDED WALL AREA: 938 SF FENESTRATION: 378 SF [29%] REQUIRED: 180
SOUTH ELEVATION
UPPER CLERESTORY LEVEL PROVIDED WALL AREA: 849 SF FENESTRATION: 253 SF [30%] REQUIRED: 180
WEST ELEVATION
STEEL LEVEL - CHOTOVILLE STREET PROVIDED WALL LENGTH: 571 lin FENESTRATION: 214 lin [38%] REQUIRED: 180
UPPER CLERESTORY LEVEL PROVIDED WALL AREA: 474 SF FENESTRATION: 126 SF [26%] REQUIRED: 180
EAST ELEVATION
STEEL LEVEL - CUNGHAM AVENUE PROVIDED WALL LENGTH: 429 lin FENESTRATION: 176 lin [31%] REQUIRED: 180
UPPER CLERESTORY LEVEL PROVIDED WALL AREA: 474 SF FENESTRATION: 136.45 SF [27%] REQUIRED: 180

FENESTRATION ATTACHMENT - OPEN TRANSPARENT BAY
NORTH ELEVATION
NOT APPLICABLE
SOUTH ELEVATION
LOWEST LEVEL PROVIDED WALL AREA: 2,384 SF FENESTRATION: 723 SF [32%] REQUIRED: 180
WEST ELEVATION
LOWEST LEVEL PROVIDED WALL AREA: 777 SF FENESTRATION: 93 SF [12%] REQUIRED: 180
EAST ELEVATION
LOWEST LEVEL PROVIDED WALL AREA: 846 SF FENESTRATION: 121 SF [14%] REQUIRED: 180

LEGEND:

TOTAL AREA OF FACADE

TOTAL AREA OF FENESTRATION

DEVELOPMENT DATA BLOCK	
NAME OF PROJECT AND ADDRESS:	ASHEVILLE PATTON AVENUE 115 KV SUBSTATION 253 PATTON AVENUE ASHEVILLE, NC 28803
PROPERTY OWNER(S): NAME ADDRESS CITY, STATE ZIP CODE PHONE NUMBER	BIM BAME, PE - MANAGER - SITE DESIGN & PERMITTING DUKE ENERGY PROGRESS, LLC 410 S. WILMINGTON STREET RALEIGH, NC 27601 timothy.jones@duke-energy.com (919) 546-7448
CONTACT PERSON NAME ADDRESS CITY, STATE ZIP CODE PHONE NUMBER	CORY GEORGE, PE MCADAMS COMPANY 3420 TORINGDON WAY, SUITE 110 CHARLOTTE, NC 28277 (919)971-6619 (CELL) (704) 827-0820 x314 (OFFICE)
PIN NUMBER(S) OF PROPERTY BEING DEVELOPED	9648-19-0460-00000
ZONING DISTRICT	CENTRAL BUSINESS DISTRICT (DEMOLIC)
LIST BUILDING HEIGHT AND NUMBER OF STORIES PER BUILDING	23 FEET, 1 STORY + BASEMENT

PETTIGH DESIGN

NO.	DATE	REVISION	BY	CK.	APP.

MHAworks
PLANNING ARCHITECTURE INTERIORS
123 S. LEXINGTON AVENUE
SUITE 100
ASHEVILLE, NORTH CAROLINA 28801
p 828.251.1550
www.mhaworks.com
-CUTHAM
-GREENVILLE
-PITTSBORO
-ASHEVILLE

MCADAMS
THE JOHN R. McADAMS COMPANY, INC.
8420 Torrington Way
Suite 110
Charlotte, North Carolina 28277
License No: C-0505
704. 827. 0820 • McAdamsCo.com

DUKE ENERGY. PROGRESS

ASHEVILLE PATTON AVENUE
115KV SUBSTATION
FENESTRATION ELEVATIONS

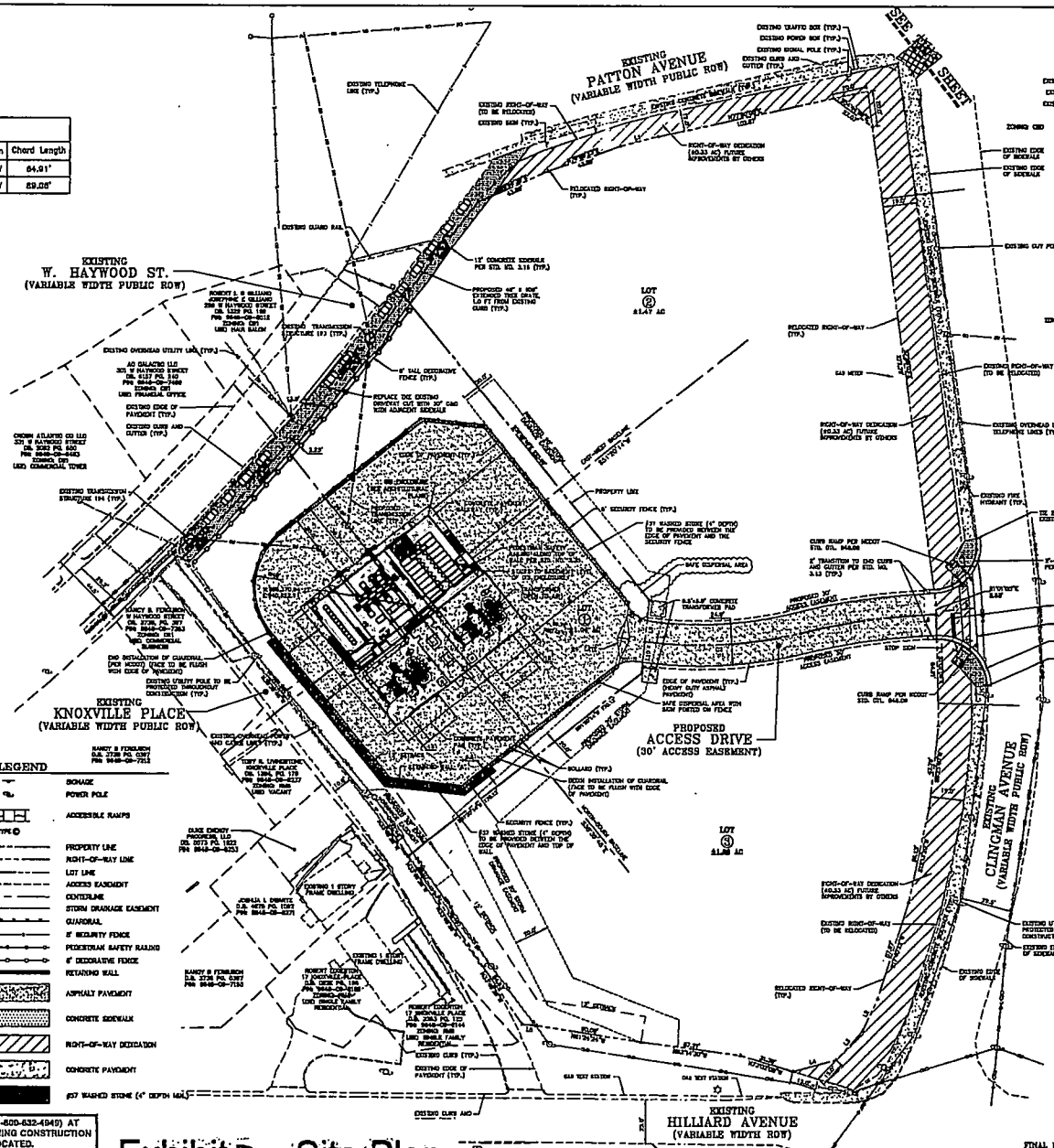
LOCATION ASHEVILLE, NC
SCALE
DRAWN EDN
APP.
DATE 07/31/18 DWG NO.
SHEET A201

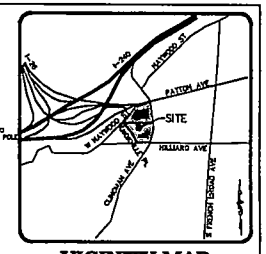
Exhibit D- Building Elevations

DTC REVIEW SUBMITTAL: SEPTEMBER 21, 2018
TRC REVIEW SUBMITTAL: AUGUST 22, 2018

Curve Table					
Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C1	63.00'	352.00'	10.29°	S51° 04' 40"W	64.91'
C2	89.50'	238.00'	21.57°	S66° 43' 03"W	89.08'

Parcel Line Table		
Line #	Length	Direction
L1	22.20'	N75° 08' 43"E
L2	20.59'	S24° 28' 10"W
L3	22.61'	S42° 39' 11"W
L4	25.40'	S74° 46' 32"W
L5	8.23'	N84° 59' 40"W
L6	13.08'	S88° 13' 19"W
L9	23.83'	S6° 27' 57"W
L10	18.67'	S6° 27' 57"W





VICINITY MAP
1"=1000'

SITE DATA BLOCK	
CITY OF ASHEVILLE PROJECT NO.	18-00621 PZ
ZONING DISTRICT	CONDITIONAL BUSINESS DISTRICT (CBD)
PROJECT NAME	ASHEVILLE PATTON AVENUE 115kV SUBSTATION
PHYSICAL ADDRESS	303 PATTON AVENUE ASHEVILLE, 28801
PIN	9640-13-0440-00000 (DB 3673, PG 1822) (PB 0180, PG 0074) – 3.78 AC
PIN (TO BE RECOMBINED)	9640-09-9395-00000 (DB 3867, PG 0363) – 0.11 AC 9640-09-8392-00000 (DB 3867, PG 0363) – 0.10 AC 9640-19-0117-00000 (DB 3867, PG 0363) – 0.10 AC 9640-19-0133-00000 (DB 3867, PG 0363) – 0.04 AC
TOTAL PROPERTY AREA	4.11 ACRES
RIGHT-OF-WAY DEDICATION	0.33 ACRES
PROPOSED PARCEL (LOT-1)	1.04 ACRES

PROJECT DATA BLOCK	
PROPOSED LAND USE	ELECTRIC SUBSTATION
LOT SIZE STANDARDS	NONE
DENSITY STANDARDS	NONE
STRUCTURE SIZE STANDARDS	NONE-SHALL NOT BE LIMITED EXCEPT THAT HEIGHT AND DESIGN AND OPERATIONAL STANDARDS SHALL APPLY.
NUMBER OF PROPOSED BUILDINGS	1 AT 5,300 SF (GFA)
MAX. BUILDING HEIGHT REQUIRED BUILDING HEIGHT PROPOSED	24' (2-STORIES) 24' (2-STORIES)
PARKING REQUIREMENTS	NOT APPLICABLE
ZONING SETBACKS	0', 10' (WHEN ADJACENT TO RESIDENTIAL ZONED PROPERTY)
TOTAL DISTURBED AREA	4.30 ACRES
PROPOSED IMPERVIOUS AREA	0.76 ACRES (72% OF WSC)
EXISTING IMPERVIOUS AREA	3.15 ACRES
MAX DRIVEWAY GRADE	6.60%
WATERSHED	FRENCH BROAD RIVER
FLOOD ZONE	ZONE X (NOT WITHIN 0.2% ANNUAL CHANCE FLOOD HAZARD ZONE) AS PER FEMA FIRM COMMUNITY PANEL NO. 3700084600L EFFECTIVE DATE 07-08-2013

CONDITIONAL ZONING DATA BLOCK	
EXISTING ZONING DISTRICT	CONDITIONAL BUSINESS DISTRICT (CBD)
PROPOSED ZONING DISTRICT	CONDITIONAL ZONING
PROPOSED AREA	1.04 AC (LOT 1)
PROPOSED IMPERVIOUS AREA	0.76 AC (73%)

PRELIMINARY
DO NOT USE FOR
CONSTRUCTION

CONTACT INFORMATION:

OWNER/APPLICANT:
DUKE ENERGY PROGRESS, LLC
410 S. WILMINGTON STREET
RALEIGH, NC 27601
CONTACT: TIM BAKE, PE – MANAGER – SITE DESIGN AND PERMITTING
919-546-7466

ENGINEER:
MCADAMS
3430 TOWNSON WAY, SUITE 110
CHARLOTTE, NC 28277
CONTACT: CORY GEORGE, PE, PLS
704-527-0800 x 251 (OFFICE)
919-671-0818 (CELL)

SURVEYOR:
VAUGHN & MELTON
1218F PATTON AVENUE
ASHEVILLE, NC 28806
CONTACT: 828-253-2795

GRAPHIC SCALE
1 inch = 50 ft.

THE JOHN R. McADAMS COMPANY, INC.
3430 Toringdon Way
Suite 110
Charlotte, North Carolina 28277
License No.: C-0293
704. 527. 0800 • McAdamsCo.com

McADAMS

DUKE ENERGY. PROGRESS

ASHEVILLE PATTON AVENUE
115KV SUBSTATION
SITE PLAN

LOCATION ASHEVILLE, NC
SCALE 1" = 30' SCALE RATIO 1:1
DRAWN SAW CHK. JCC APP. ...
DATE 11/16/18 DWG. NO. 75189 SHEET 4 OF 35

NO.	DATE	REVISION	BY	CK.	APP.

FINAL DRAWING – NOT RELEASED FOR CONSTRUCTION

811
Know what's below.
Call before you dig.

CONTRACTOR SHALL NOTIFY "NC811" (811) OR (1-800-632-4949) AT LEAST 3 FULL BUSINESS DAYS PRIOR TO BEGINNING CONSTRUCTION OR EXCAVATION TO HAVE EXISTING UTILITIES LOCATED. CONTRACTOR SHALL CONTACT ANY LOCAL UTILITIES THAT PROVIDE THEIR OWN LOCATOR SERVICES INDEPENDENT OF "NC811". REPORT ANY DISCREPANCIES TO THE ENGINEER IMMEDIATELY.

Exhibit D - Site Plan

291

ORDINANCE NO. 4726

AN ORDINANCE AMENDING ARTICLE II, DIVISION 1, SECTIONS 24 AND 25 OF APPENDIX C OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE

WHEREAS the City of Asheville has the authority under N.C. Gen. Stat. § 20-141 to regulate speed limits within its corporate limits; and

WHEREAS the City Council has determined that the speed limit for Lyman Street and Riverside Drive should be set at twenty-five miles per hour;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

Section 1: That Article II, Division I, Section 25 (b) of Appendix C of the Code of Ordinances of the City of Asheville (Speed Limits – Thirty miles per hour, City system) be amended to remove:

Lyman Street, between Riverside Drive and SR 3556 (Amboy Road)

Riverside Drive, between Interstate 240 and Lyman Street

Section 2: That Article II, Division I, Section 24 (b) of Appendix C of the Code of Ordinances of the City of Asheville (Speed Limits – Twenty Five miles per hour, City system) be amended to include:

Lyman Street, from SR 3556 (Amboy Road) to Riverside Drive

Riverside Drive, from Lyman Street to Hill Street

Section 3: That all Ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed.

Section 4: That this Ordinance shall be in full force and effect upon adoption by the City of Asheville and the erection of signs giving notice of the authorized speed limit.

Read, approved and adopted this 12th day of February, 2019.

Magdalen Bourleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

Alan P. Rosenthal
CITY ATTORNEY

Magdalen Bourleson
City Clerk

294

ORDINANCE NO. 4727

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this the 12th day of February, 2019.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

Julie P. Rorbaugh
City Attorney

PURPOSE: Budget Amendment for bike share feasibility study

Magdalen Burleson
City Clerk

CITY OF ASHEVILLE

BUDGET AMENDMENT

FISCAL YEAR	EFFECTIVE DATE
2018/19	2/12/2019

Purpose: To amend the existing consultant contract for the bike share feasibility study to include e-scooters by transferring funding from the General Fund Transportation Planning budget.

Requesting Department: Transportation

Amendment to: Grant Fund

	Account	Current Budget	Amended Budget	Increase (Decrease)
Revenues				
22092100-498100-T1704	Operating Transfers from General Fund	$ 25,000.00	$ 39,500.00	$ 14,500.00
Expenditures				
22002100-521001-T1704	Contracted Services	$ 50,000.00	$ 64,500.00	$ 14,500.00
BALANCE				**$ - .00**

Revision to: General Fund

	Account	Current Budget	Amended Budget	Increase (Decrease)
Revenues				
11002100-521001	Contracted Services	$ 45,497.01	$ 42,997.01	$ (2,500.00)
11002100-523001	Training	$ 13,661.00	$ 8,161.00	$ (5,500.00)
11002100-523005	External Programming & Outreach	$ 6,000.00	$ 2,000.00	$ (4,000.00)
11002100-524101	Materials	$ 3,500.00	$ 1,000.00	$ (2,500.00)
Expenditures				
11092100-800220	Transfer to Grant Fund	$ 112,000.00	$ 126,500.00	$ 14,500.00
BALANCE				**$ - .00**

City Clerk

296

ORDINANCE NO. 4728

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 12th day of February, 2019.

Magdalen Burleson
City Clerk

Edwin E. Marks
Mayor

Approved as to form:

Julie P. Rotcliff
City Attorney

PURPOSE: Approve $301,592.38 of insurance recovery funds received be appropriated in the Property & Liability Fund to be utilized towards property and liability claims expenses.

Magdalen Burleson
City Clerk

CITY OF ASHEVILLE

BUDGET AMENDMENT

FISCAL YEAR	EFFECTIVE DATE
2018/19	2/26/2019

Purpose: To authorize reimbursed Insurance Recovery funds to be utilized for Property and Liability claim expenses.

Requesting Department: Finance

Amendment to: Property & Liability Fund

Account		Current Budget	Amended Budget	Increase (Decrease)
Revenues				
81300038-485000	Insurance Recovery	$ 117,602.50	$ 419,194.88	$ 301,592.38
Expenditures				
81300038-525002	Insurance - Claims	$ 822,298.54	$ 1,123,890.92	$ 301,592.38
BALANCE				**$ 0.00**

298

ORDINANCE NO. 4729

ORDINANCE AMENDING CONDITIONAL ZONING ORDINANCE (NO. 4722) FOR PROPERTY(S) LOCATED AT 275 & 281 HAZEL MILL ROAD

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this proposed amendment is consistent with the Living Asheville A Comprehensive Plan for our Future and is determined to be reasonable and in the public interest for the following reasons:

a. The development is located with close access to commercial uses, employment opportunities and transit;
b. The project includes ten percent dedicated affordable residential units as described in the conditions;
c. The proposal supports the strategies found in the City's comprehensive plan regarding multi-modal transportation elements; and,
d. The proposal is aligned with the Future Land Use map in the Living Asheville Comprehensive Plan; and

WHEREAS, Ordinance No. 4722 was adopted by the Asheville City Council on January 8, 2019; however, there was an error in the B.1 conditions; and

WHEREAS, this proposed amendment is to correct wording in the previous approval B.1 conditions regarding the location and maintenance of the proposed sidewalk (Condition #10);

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

The zoning classification of that certain real property described in Exhibit A and identified on Buncombe County tax maps as PINs 9638-39-9131

and 9638-39-6188 and recorded in Deed Book 5622, Page 1253, and currently owned by Berltex Real Estate Holdings,, LLC, be amended by rezoning the parcels from Residential Multi-Family High Density Conditional Zone (RM-16 CZ) to Residential Multi-Family High Density Conditional Zone (RM-16 CZ) as shown on exhibit A, modifying the B.1 conditions as set out in Exhibit "B1", for the uses compliant with the site plans shown in Exhibit D, attached hereto and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. The ordinances shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 5. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 12th day of February, 2019.

Magdalen Burleson
City Clerk

Mayor

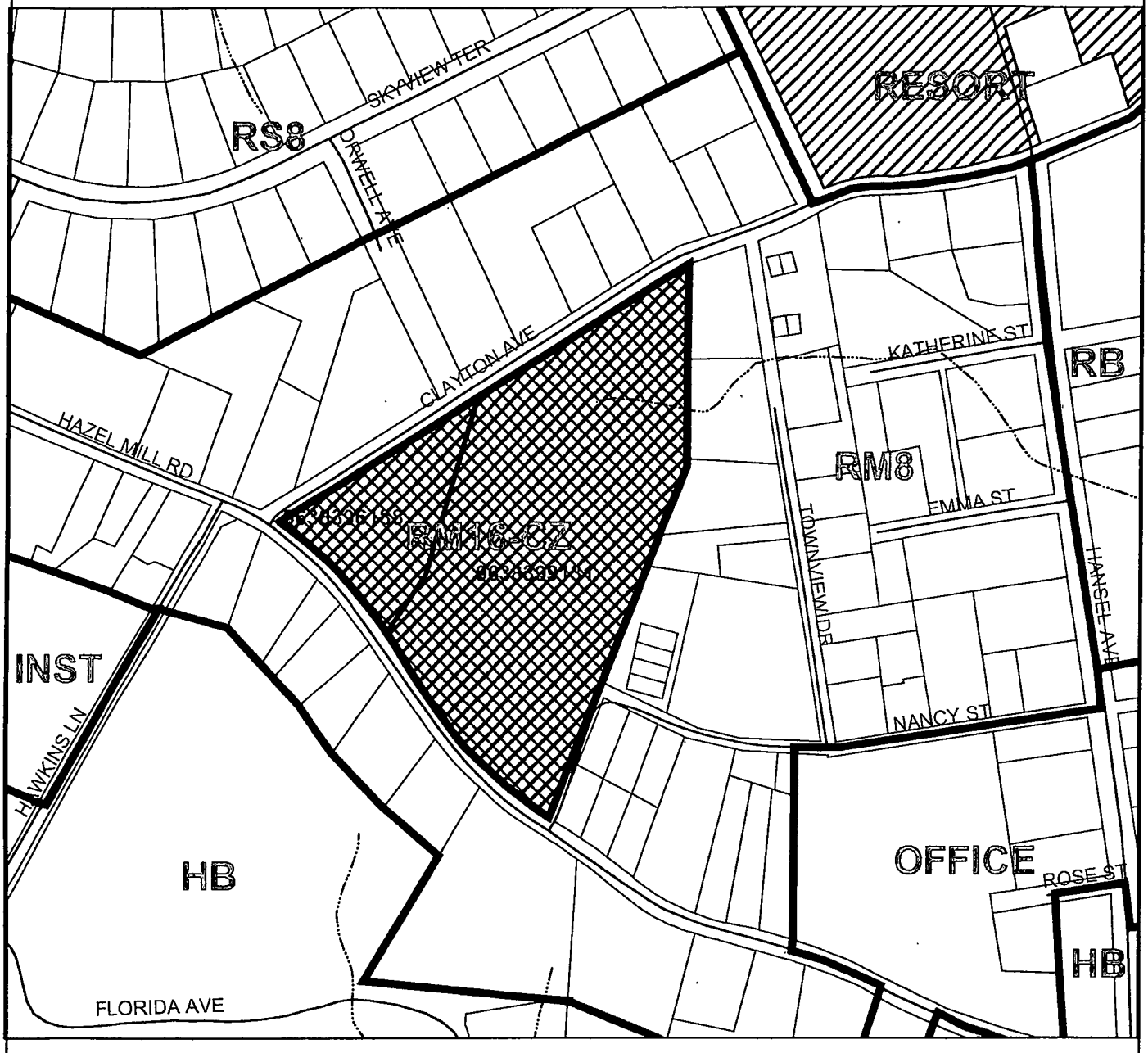
Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

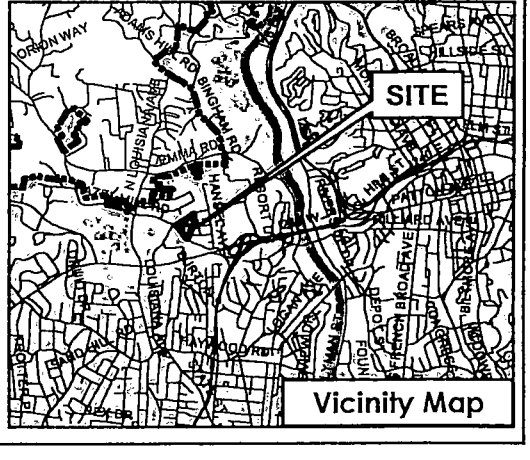
300

City of Asheville - Exhibit A Map
Conditional Zoning Modification - White Oak Grove



Project Name: White Oak Grove Modification
Project Number: 18 - 07529 PZ
Project Description: CZ from RM-16 CZ to RM-16 CZ
Petitioner(s): Bob Grasso
Parcel ID Number(s): 9638-39-9131
9638-39-6188
Location/Address: 275 & 281 Hazel Mill Road

Project Site | Parcels | Asheville City Limits | Conditional Use Overlay
Zoning Districts | Streets | River Areas



City of Asheville Planning and Urban Design Department - November 2018

B.1 Conditions
White Oak Grove Modification

1. The zoning for the property is Residential Multi-Family High Density District Conditional Zone (RM-16 CZ). This is an amendment to a previously approved project (ordinance no. 4375, dated December 9, 2014 and ordinance no. 4430, dated June 23, 2015).

2. The approval is for a 113 unit multi-family development on property and contains 10 buildings with a maximum height of 40 feet and a maximum of 222 parking spaces.

3. The apartments will be built on a site consisting of 6.5 acres at 275 and 281 Hazel Mill Road (PINs 9638-39-9131 and 9638-39-6188), as indicated on the Exhibit A map and site plan which are attached hereto and incorporated herein by reference.

4. The subject properties must be combined prior to final zoning approval.

5. The project shall be constructed to meet HUD approved Green Buildings Standards.

6. At least 10% of the units (12) shall meet the City's standards for affordability at 80% AMI for a period of 10 years from the issuance of the Certificate of Occupancy. The rent and income shall follow the Affordable and Workforce Housing Standards determined annually by the City of Asheville Community Development Department. An Affordable Housing Deed Restriction will be provided by the City and shall be filed and recorded by the applicant/property owner in the Buncombe County Register of Deeds prior to the project receiving the final zoning permit.

7. There will be three driveways along Clayton Avenue as shown on the site plan.

8. The developer shall provide annual bus passes for at least 10 years for any resident of the affordable units, as described in paragraph 6.

9. The developer or property owner shall provide notice to the project's tenants that the private road off Hawkins Lane, which crosses the Harry's Cadillac Property (PIN 9638-38-4570-00000; Buncombe County Register of Deeds Book 780, Page 287) is a private road which is not available to access Patton Avenue. This notice should be printed by using a font and color sufficient to be noticed by the tenants and posted at a conspicuous location within the community. This notice shall also be provided to all new tenants in their written leases. A sample copy of the lease and posted notice shall be provided to the City prior to the issuance of the Certificate of Occupancy.

10. The sidewalks along Clayton Avenue will be a five and five configuration as shown on plans. The sidewalk along Hazel Mill Road will be eight feet in width and setback up to 35 feet from the edge of the road as shown on the site plan attached. An easement will

be granted by the developer/property owner to the City for public use of the sidewalk, but the sidewalk will be privately maintained.

11. The developer will pay the City $14,000 to be used for the construction of sidewalks along Hazel Mill Road. This money must be provided to the City prior to final zoning approval.

12. Twenty additional bike parking spaces will be distributed throughout the site, both long and short term storage.

13. Signage shall be separately permitted and shall meet the standards of the City of Asheville Sign Ordinance (Article XIII of Chapter 7 of the Code of Ordinances).

14. There will be at least 2.65 acres of open space, with landscape features which may include but are not limited to benches, fire rings, grill areas, etc. as indicated on the approved site plan, which is incorporated herein by reference.

15. All site lighting must comply with the City's Lighting Standards (Section 7-11-10 of the Code of Ordinances). Proposed lighting plans must be submitted at Final TRC.

16. Landscaping will meet the requirements of the UDO and includes building impact landscaping, vehicular use area landscaping, street trees, street buffer planting, retaining wall landscaping and dumpster screening as indicated on the approved landscape plan, which is incorporated herein by reference.

17. The building design site design and orientation on site shall substantially comply with the approved site plan, which is incorporated herein by reference. Any major deviations from these plans may require a rezoning by the City Council. The building materials indicated on the plans is illustrative in nature. Not more than 20% of external building materials will consist of vinyl, utility grade concrete masonry unit or synthetic stucco.

18. All legally required local, state, and federal permits and approvals must be obtained prior to initiation of construction and any pertinent legal requirements shall be met.

19. The conditional zoning will be valid for a period of three years from the date of approval by City Council. If a building permit is not obtained within three years, the approval will no longer be valid.

PDI Architecture 1020 Breazeale Road, Pendleton, SC 29670 ph. (864) 224-5800

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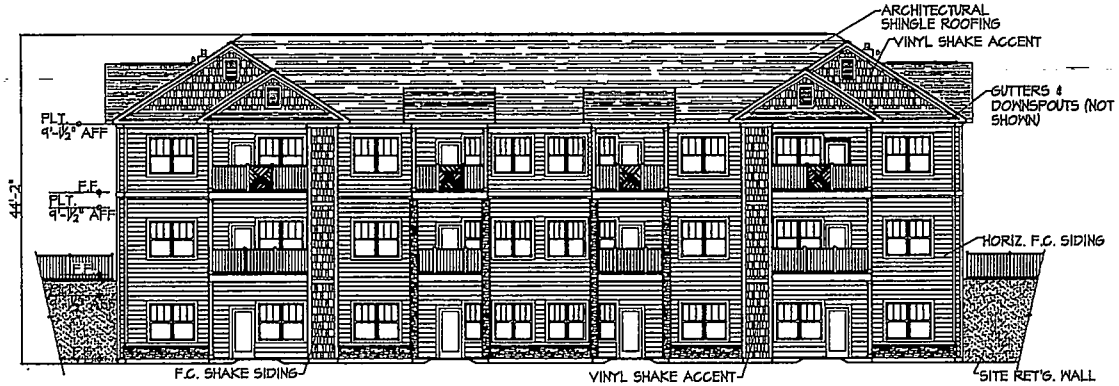
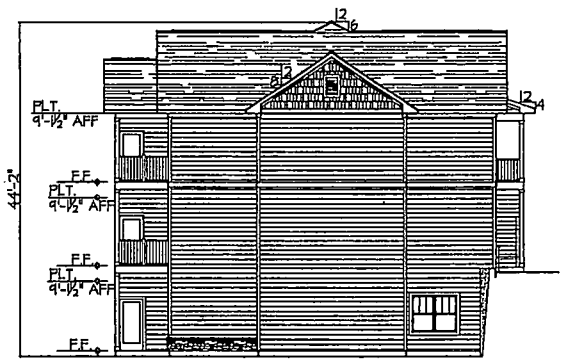
BUILDING A- FRONT ELEVATION

SCALE: 1/16" = 1'-0"



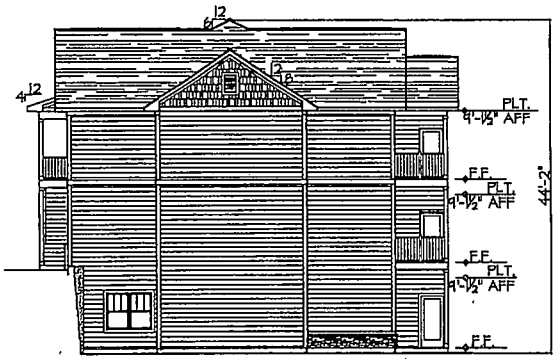
BUILDING A- REAR ELEVATION

SCALE: 1/16" = 1'-0"



BUILDING A- LEFT ELEVATION

SCALE: 1/16" = 1'-0"



BUILDING A- RIGHT ELEVATION

SCALE: 1/16" = 1'-0"

Pre-Application Package
9-24-18

BUILDING 'A' - ELEVATIONS

Mills Oak Grove Apartments

Gaston Avenue

Asheville, North Carolina

A-23

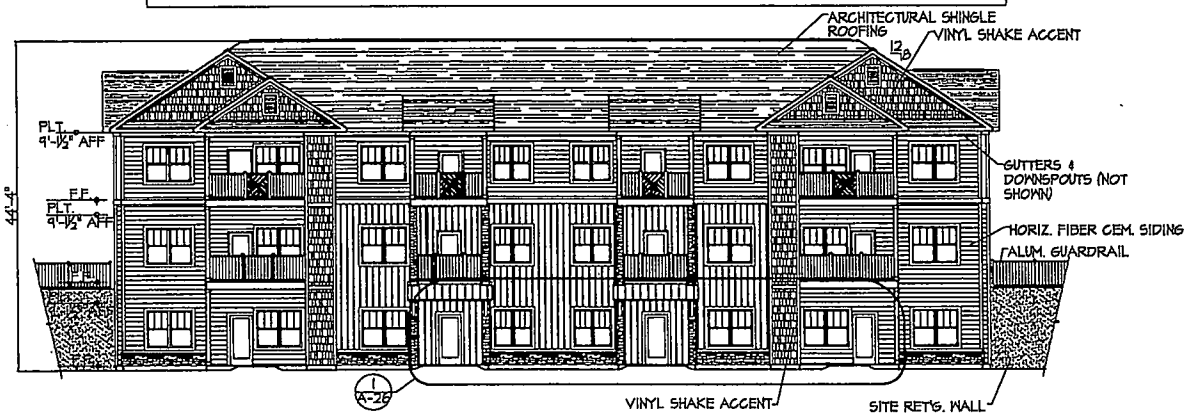
Exhibit "D"

303

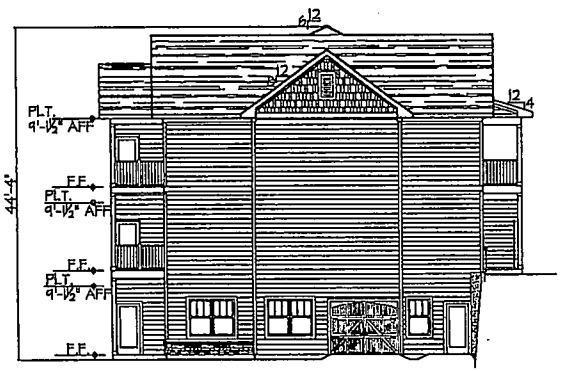
304

PDI Architecture 1020 Breazeale Road, Pendleton, SC 29670 ph. (864) 224-5800

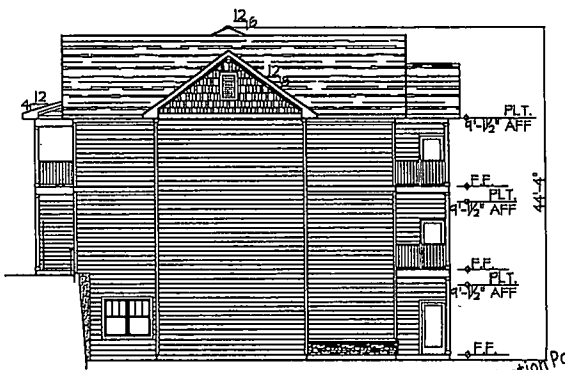
BUILDING B- FRONT ELEVATION
SCALE: 1/16" = 1'-0"



BUILDING B- REAR ELEVATION
SCALE: 1/16" = 1'-0"



BUILDING B- LEFT ELEVATION
SCALE: 1/16" = 1'-0"



BUILDING B- RIGHT ELEVATION
SCALE: 1/16" = 1'-0"

Pre-Application Package
9-24-18

BUILDING B' - ELEVATIONS
White Oak Grove Apartments
Clayton Avenue
Asheville, North Carolina

A-26

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PDI Architecture 1020 Breazeale Road, Pendleton, SC 29670 ph. (864) 224-5800

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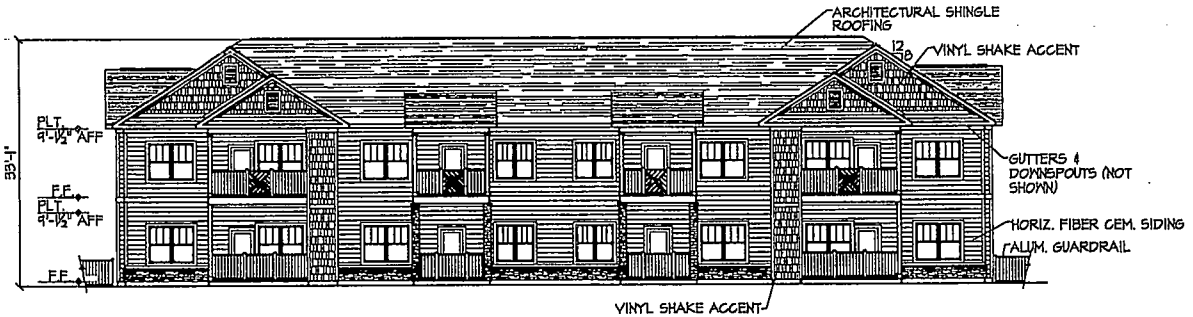
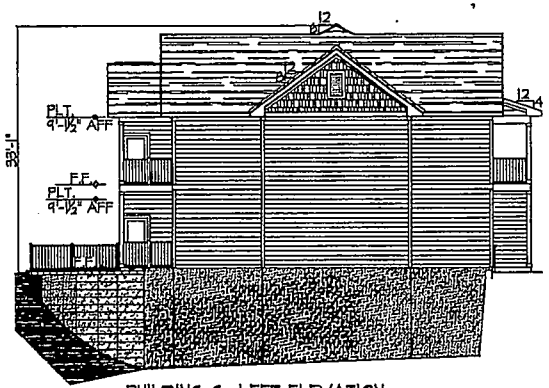
BUILDING C- FRONT ELEVATION

SCALE: 1/16" = 1'-0"



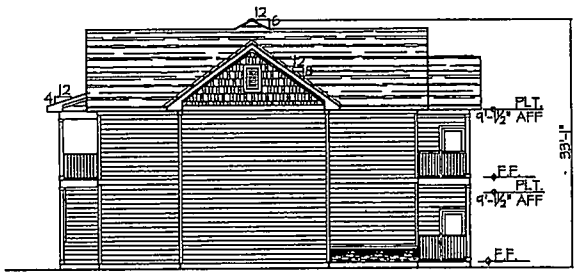
BUILDING C- REAR ELEVATION

SCALE: 1/16" = 1'-0"



BUILDING C- LEFT ELEVATION

SCALE: 1/16" = 1'-0"



BUILDING C- RIGHT ELEVATION

SCALE: 1/16" = 1'-0"

Pre-Application Package
9-24-18

BUILDING 'C' - ELEVATIONS

White Oak Grove Apartments

Clayton Avenue

Asheville, North Carolina

A-28

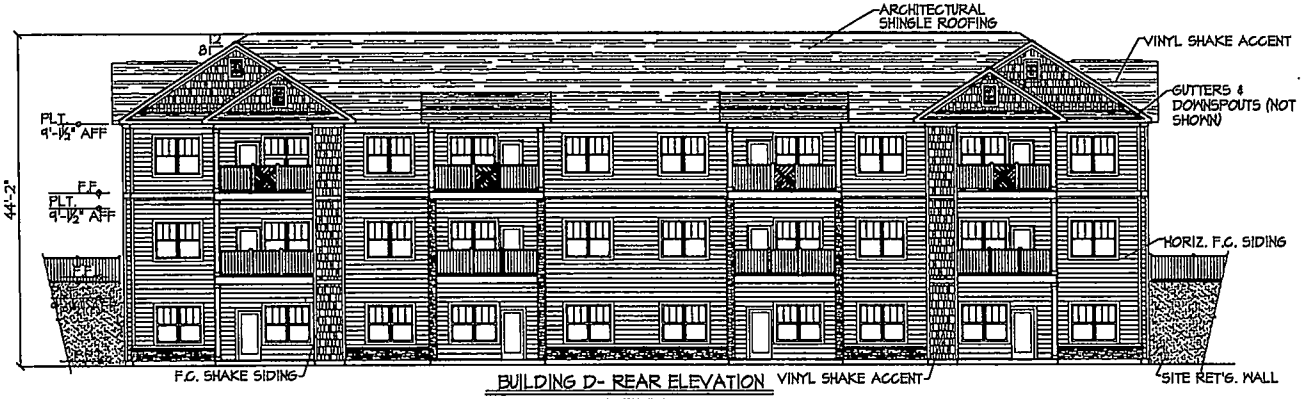
305

306

PDI Architecture 1020 Breazeale Road, Pendleton, SC 29670 ph. (864) 224-5800

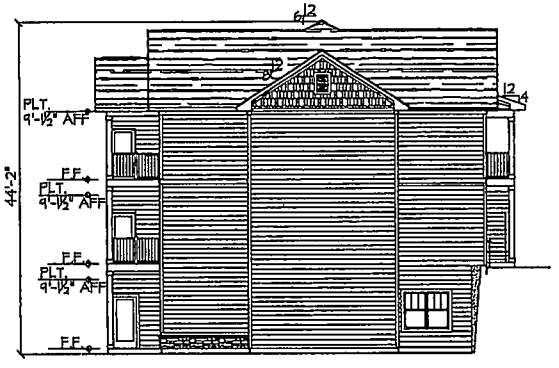
BUILDING D- FRONT ELEVATION

SCALE: 1/16" = 1'-0"



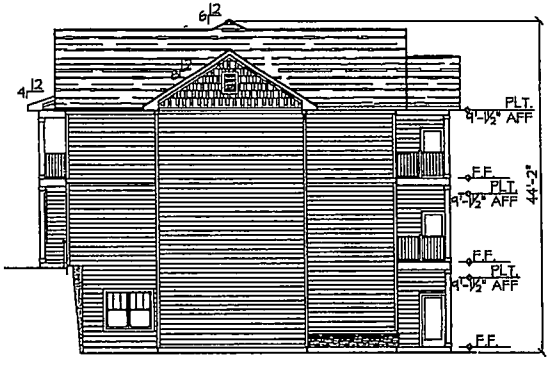
BUILDING D- REAR ELEVATION

SCALE: 1/16" = 1'-0"



BUILDING D- LEFT ELEVATION

SCALE: 1/16" = 1'-0"



BUILDING D- RIGHT ELEVATION

SCALE: 1/16" = 1'-0"

Pre-Application Package
9-24-18

BUILDING 'D' - ELEVATIONS
White Oak Grove Apartments
Clinton Avenue
Asheville, North Carolina

A-31

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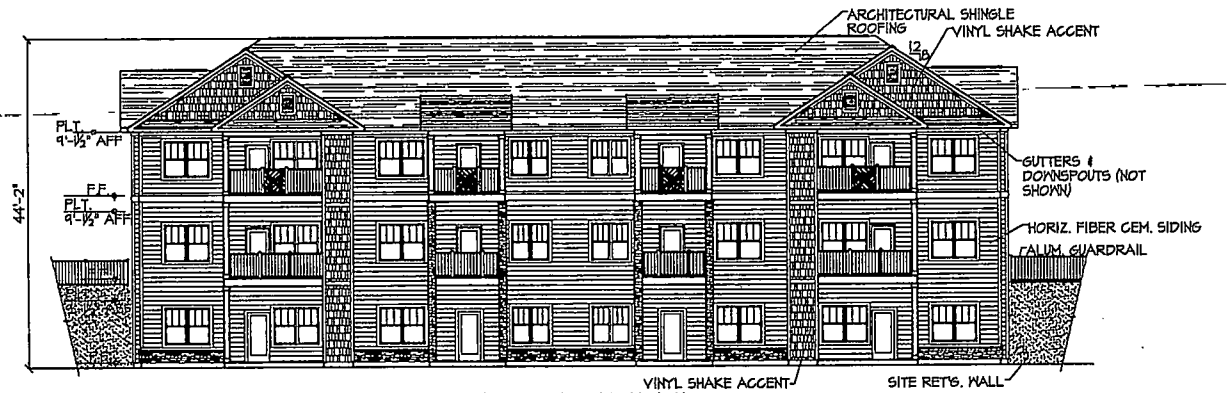
PDI Architecture 1020 Breazeale Road, Pendleton, SC 29670 ph. (864) 224-5800

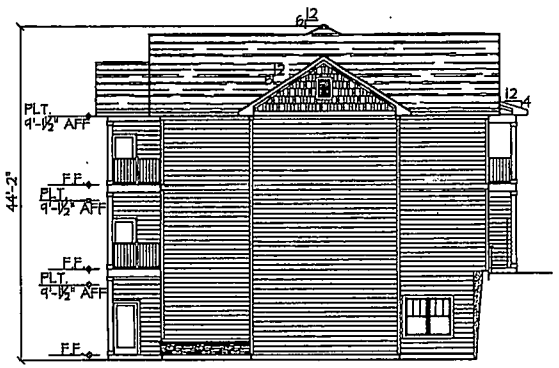
BUILDING E- FRONT ELEVATION

SCALE: 1/16" = 1'-0"



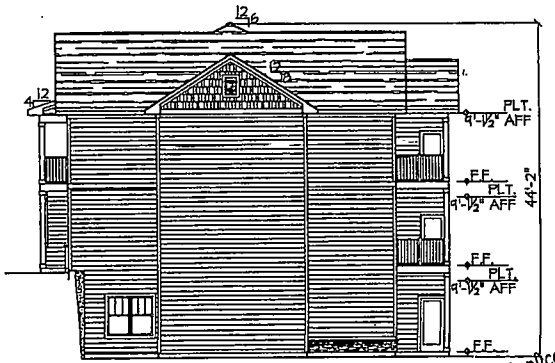
BUILDING E- REAR ELEVATION

SCALE: 1/16" = 1'-0"



BUILDING E- LEFT ELEVATION

SCALE: 1/16" = 1'-0"



BUILDING E- RIGHT ELEVATION

SCALE: 1/16" = 1'-0"

Pre-Application Package
9-24-18

BUILDING E - ELEVATIONS

Waltz Oak Grove Apartments
Clayton Avenue
Asheville, North Carolina

A-34

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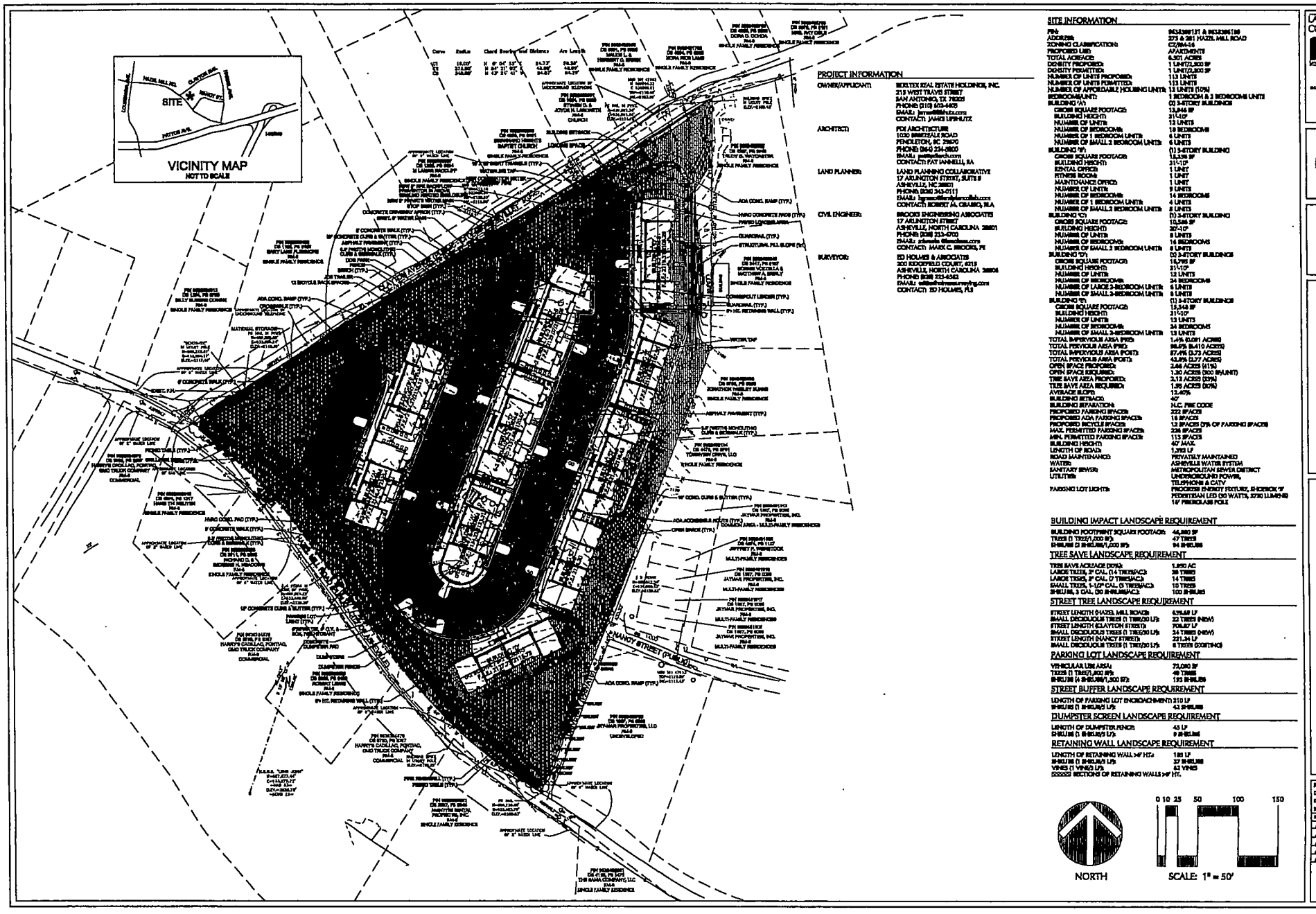

VICINITY MAP
NOT TO SCALE
SITE
HAZEL MILL RD.
CLAYTON AVE.
NANCY ST.
PATTON AVE.
COOPERSVILLE RD.
MAIN BLDG.
PROJECT INFORMATION
OWNER/APPLICANT: BERLTEX REAL ESTATE HOLDINGS, INC.
315 WEST TRAVIS STREET
SAN ANTONIO, TX 78205
PHONE: (210) 603-4405
EMAIL: james@berltex.com
CONTACT: JAMES LIPSHUTZ
ARCHITECT: FOX ARCHITECTURE
1030 SWEEZEALE ROAD
PENDLETON, SC 29670
PHONE: (864) 224-8800
EMAIL: pat@foxarch.com
CONTACT: PAT IANNELLI, RA
LAND PLANNER: LAND PLANNING COLLABORATIVE
17 ARLINGTON STREET, SUITE B
ASHEVILLE, NC 28801
PHONE: (828) 343-0111
EMAIL: kgreene@landplanningcollab.com
CONTACT: ROBERT M. GRAHAM, RLA
CIVIL ENGINEER: BROOKS ENGINEERING ASSOCIATES
17 ARLINGTON STREET
ASHEVILLE, NORTH CAROLINA 28801
PHONE: (828) 233-0700
EMAIL: mbrooks@brooksassoc.com
CONTACT: MARK C. BROOKS, PE
SURVEYOR: ED HOLMES & ASSOCIATES
300 ROCKFIELD COURT, #219
ASHEVILLE, NORTH CAROLINA 28804
PHONE: (828) 223-4563
EMAIL: ed@edholmesassoc.com
CONTACT: ED HOLMES, PLS
SITE INFORMATION
PIN: 9632898137 & 9632896186
ADDRESS: 273 & 281 HAZEL MILL ROAD
ZONING CLASSIFICATION: CZ/RM-16
PROPOSED USE: APARTMENTS
TOTAL ACREAGE: 6.301 ACRES
DENSITY PROPOSED: 1 UNIT/2,800 SF
DENSITY PERMITTED: 1 UNIT/2,000 SF
NUMBER OF UNITS PROPOSED: 113 UNITS
NUMBER OF UNITS PERMITTED: 113 UNITS
NUMBER OF AFFORDABLE HOUSING UNITS: 13 UNITS (10%)
BEDROOM MIX: 1 BEDROOM & 2 BEDROOM UNITS
BUILDING 'A': (1) 3-STORY BUILDING
GROSS SQUARE FOOTAGE: 13,946 SF
BUILDING HEIGHT: 31'-10"
NUMBER OF UNITS: 13 UNITS
NUMBER OF BEDROOMS: 18 BEDROOMS
NUMBER OF 1 BEDROOM UNITS: 6 UNITS
NUMBER OF SMALL 2 BEDROOM UNITS: 6 UNITS
BUILDING 'B': (1) 3-STORY BUILDING
GROSS SQUARE FOOTAGE: 12,336 SF
BUILDING HEIGHT: 31'-10"
RENTAL OFFICE: 1 UNIT
FITNESS ROOM: 1 UNIT
MAINTENANCE OFFICE: 1 UNIT
NUMBER OF UNITS: 9 UNITS
NUMBER OF BEDROOMS: 14 BEDROOMS
NUMBER OF 1 BEDROOM UNITS: 4 UNITS
NUMBER OF SMALL 2 BEDROOM UNITS: 5 UNITS
BUILDING 'C': (1) 3-STORY BUILDING
GROSS SQUARE FOOTAGE: 10,586 SF
BUILDING HEIGHT: 30'-10"
NUMBER OF UNITS: 8 UNITS
NUMBER OF BEDROOMS: 16 BEDROOMS
NUMBER OF SMALL 2 BEDROOM UNITS: 8 UNITS
BUILDING 'D': (1) 3-STORY BUILDING
GROSS SQUARE FOOTAGE: 18,795 SF
BUILDING HEIGHT: 31'-10"
NUMBER OF UNITS: 12 UNITS
NUMBER OF BEDROOMS: 24 BEDROOMS
NUMBER OF LARGE 2-BEDROOM UNITS: 6 UNITS
NUMBER OF SMALL 2-BEDROOM UNITS: 6 UNITS
BUILDING 'E': (1) 3-STORY BUILDING
GROSS SQUARE FOOTAGE: 15,348 SF
BUILDING HEIGHT: 31'-10"
NUMBER OF UNITS: 13 UNITS
NUMBER OF BEDROOMS: 24 BEDROOMS
NUMBER OF SMALL 2-BEDROOM UNITS: 13 UNITS
TOTAL IMPERVIOUS AREA (PRO): 1.4% (0.091 ACRES)
TOTAL PERVIOUS AREA (PRO): 98.5% (6.410 ACRES)
TOTAL IMPERVIOUS AREA (POST): 57.4% (3.73 ACRES)
TOTAL PERVIOUS AREA (POST): 42.5% (2.77 ACRES)
OPEN SPACE PROPOSED: 2.44 ACRES (41%)
OPEN SPACE REQUIRED: 1.30 ACRES (300 SF/UNIT)
TREE SAVE AREA PROPOSED: 2.12 ACRES (33%)
TREE SAVE AREA REQUIRED: 1.95 ACRES (30%)
AVERAGE SLOPE: 12.40%
BUILDING SETBACK: 40'
BUILDING SEPARATION: N.C. FIRE CODE
PROPOSED PARKING SPACES: 222 SPACES
PROPOSED ADA PARKING SPACES: 16 SPACES
PROPOSED BICYCLE SPACES: 12 SPACES (5% OF PARKING SPACES)
MAX. PERMITTED PARKING SPACES: 226 SPACES
MIN. PERMITTED PARKING SPACES: 113 SPACES
BUILDING HEIGHT: 40' MAX.
LENGTH OF ROAD: 1,250 LF
ROAD MAINTENANCE: PRIVATELY MAINTAINED
WATER: ASHEVILLE WATER SYSTEM
SANITARY SEWER: METROPOLITAN SEWER DISTRICT
UTILITIES: UNDERGROUND POWER, TELEPHONE & CATV
PARKING LOT LIGHTS: PROGRESS ENERGY FIXTURE, 8-FOOT SQUARE 'S' POLE, PEDESTRIAN LED (90 WATTS, 3750 LUMENS) 16' FIBERGLASS POLE
BUILDING IMPACT LANDSCAPE REQUIREMENT
BUILDING FOOTPRINT SQUARE FOOTAGE: 46,980 SF
TREES (1 TREE/1,000 SF): 47 TREES
SHRUBS (2 SHRUBS/1,000 SF): 94 SHRUBS
TREE SAVE LANDSCAPE REQUIREMENT
TREE SAVE ACREAGE (30%): 1.890 AC
LARGE TREES, 2" CAL. (14 TREES/AC): 28 TREES
LARGE TREES, 3" CAL. (7 TREES/AC): 14 TREES
SMALL TREES, 1-1/2" CAL. (5 TREES/AC): 10 TREES
SHRUBS, 3 GAL. (50 SHRUBS/AC): 100 SHRUBS
STREET TREE LANDSCAPE REQUIREMENT
STREET LENGTH (HAZEL MILL ROAD): 679.68 LF
SMALL DECIDUOUS TREES (1 TREE/30 LF): 22 TREES (NEW)
STREET LENGTH (CLAYTON STREET): 706.87 LF
SMALL DECIDUOUS TREES (1 TREE/30 LF): 24 TREES (NEW)
STREET LENGTH (NANCY STREET): 221.34 LF
SMALL DECIDUOUS TREES (1 TREE/30 LF): 8 TREES (EXISTING)
PARKING LOT LANDSCAPE REQUIREMENT
VEHICULAR USE AREA: 77,080 SF
TREES (1 TREE/1,000 SF): 49 TREES
SHRUBS (4 SHRUBS/1,000 SF): 193 SHRUBS
STREET BUFFER LANDSCAPE REQUIREMENT
LENGTH OF PARKING LOT ENCROACHMENT: 210 LF
SHRUBS (1 SHRUB/5 LF): 43 SHRUBS
DUMPSTER SCREEN LANDSCAPE REQUIREMENT
LENGTH OF DUMPSTER FENCE: 45 LF
SHRUBS (1 SHRUB/5 LF): 9 SHRUBS
RETAINING WALL LANDSCAPE REQUIREMENT
LENGTH OF RETAINING WALL >4' HT.: 185 LF
SHRUBS (1 SHRUB/5 LF): 37 SHRUBS
VINES (1 VINE/3 LF): 62 VINES
EXCEPT SECTIONS OF RETAINING WALLS >4' HT.
NORTH
0 10 25 50 100 150
SCALE: 1" = 50'
LAND PLANNING COLLABORATIVE
MASTER PLAN
WHITE OAK GROVE APARTMENTS
ASHEVILLE, NORTH CAROLINA
SHEET
L-1

ORDINANCE NO. 4730

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this the 26th day of February, 2019.

Magdalen Bouleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

Robin P. Rosenblatt
City Attorney

PURPOSE: Remove from budget expired TPDF funds for Beaucatcher Greenway

Magdalen Bouleson
City Clerk

310

CITY OF ASHEVILLE

BUDGET AMENDMENT

2018/19	2/26/2019
FISCAL YEAR	EFFECTIVE DATE

Purpose: To return grant funding from Asheville TDA

Requesting Department: CMO/Parks & Recreation

Amendment to: General Capital Projects Fund

	Account	Current Budget	Amended Budget	Increase (Decrease)
Revenues				
41000803-437110-R1201	Restricted Intergovernmental - TPDF	$ 975,000.00	$ - .00	$ (975,000.00)
Expenditures				
41000803-616102-R1201	Construction	$ 2,719,483.00	$ 1,744,483.00	$ (975,000.00)
BALANCE				**$ - .00**

ORDINANCE NO. 4731

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made a part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 12th day of March, 2019.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

Julian P. Roberts Jr.
City Attorney

PURPOSE: Asheville High Intensity Drug Trafficking Areas (HIDTA) 2018 Grant - Modification # 3

Magdalen Burleson
City Clerk

312

CITY OF ASHEVILLE

BUDGET AMENDMENT

FISCAL YEAR	EFFECTIVE DATE
2018/19	3/12/2019

Purpose: To modify the budget for HIDTA 2018.

Requesting Department: Police

Amendment to: Grant Fund

Account		Current Budget	Amended Budget	Increase (Decrease)
Revenues				
22000121-435000-P1908	Restricted Intergov Federal Grants	$106,627.00	$ 345,416.00	$ 238,789.00
Expenditures				
22000121-528304-P1908	Police Special Purposes	$106,627.00	$ 345,416.00	$ 238,789.00
BALANCE				**$ - .00**

ORDINANCE NO. 4732

AN ORDINANCE AMENDING ARTICLE I, SECTION 1 OF APPENDIX "C" OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE

WHEREAS, pursuant to N.C. Gen. Stat. § 160A-296(a) the City has general authority and control over all public streets, sidewalks, alleys, bridges, and other ways of public passage within its corporate limits; and

WHEREAS, the City has the authority pursuant to N.C. Gen. Stat. § 160A-300 to prohibit, regulate, divert, control, and limit pedestrian or vehicular traffic upon the public streets, sidewalks, alleys, and bridges of the city;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

Section 1: That Article I, Section 1 of Appendix C of the Code of Ordinances of the City of Asheville (Truck Traffic Prohibited on Residential Streets) be amended to include the following street:

Sycamore Drive, from US 25A (Sweeten Creek Road) to US 25 (Hendersonville Road)

Section 2: That all Ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed.

Section 3: That this Ordinance shall be in full force and effect upon adoption by the City Council of the City of Asheville and the erection of signs giving notice of the truck prohibition.

Read, approved and adopted this 12th day of March, 2019.

Magdalen Bourleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

Robin P. Robb
CITY ATTORNEY

Magdalen Bourleson
City Clerk

ORDINANCE NO. 4733

ORDINANCE AMENDING CONDITIONAL ZONING FOR PROPERTY LOCATED AT 324 BILTMORE AVENUE

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this proposed amendment is consistent with the Living Asheville A Comprehensive Plan for our Future, Smart Growth policies, and other official plans of the City and is determined to be reasonable, is in the public interest, and meets the development needs of the community for the following reasons:

a. The development is located within close proximity to medical and commercial uses that would be well served by the proposed use;
b. The project is walkable to downtown and directly accessible to transit;
c. The proposed hotel is an active use that would contribute to the vibrancy of this area of the city; and,
d. The proposal is aligned with the Future Land Use map in the Living Asheville Comprehensive Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

The zoning classification of that certain real property described in Exhibit A and identified on Buncombe County tax maps as PIN 9648-46-4336 and recorded in Deed Book 5502, Page 430, and currently owned by Milan Asheville, LLC, be amended by rezoning the parcels from from Regional Business District (RB) to Lodging Expansion Conditional Zoning District (LODG EXP CZ) as shown on exhibit A.1, modifying the B.1 conditions as set out in Exhibit "B1", for the uses compliant with the site plans shown in Exhibit C, attached hereto and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. The ordinances shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 5. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 12th day of March, 2019.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

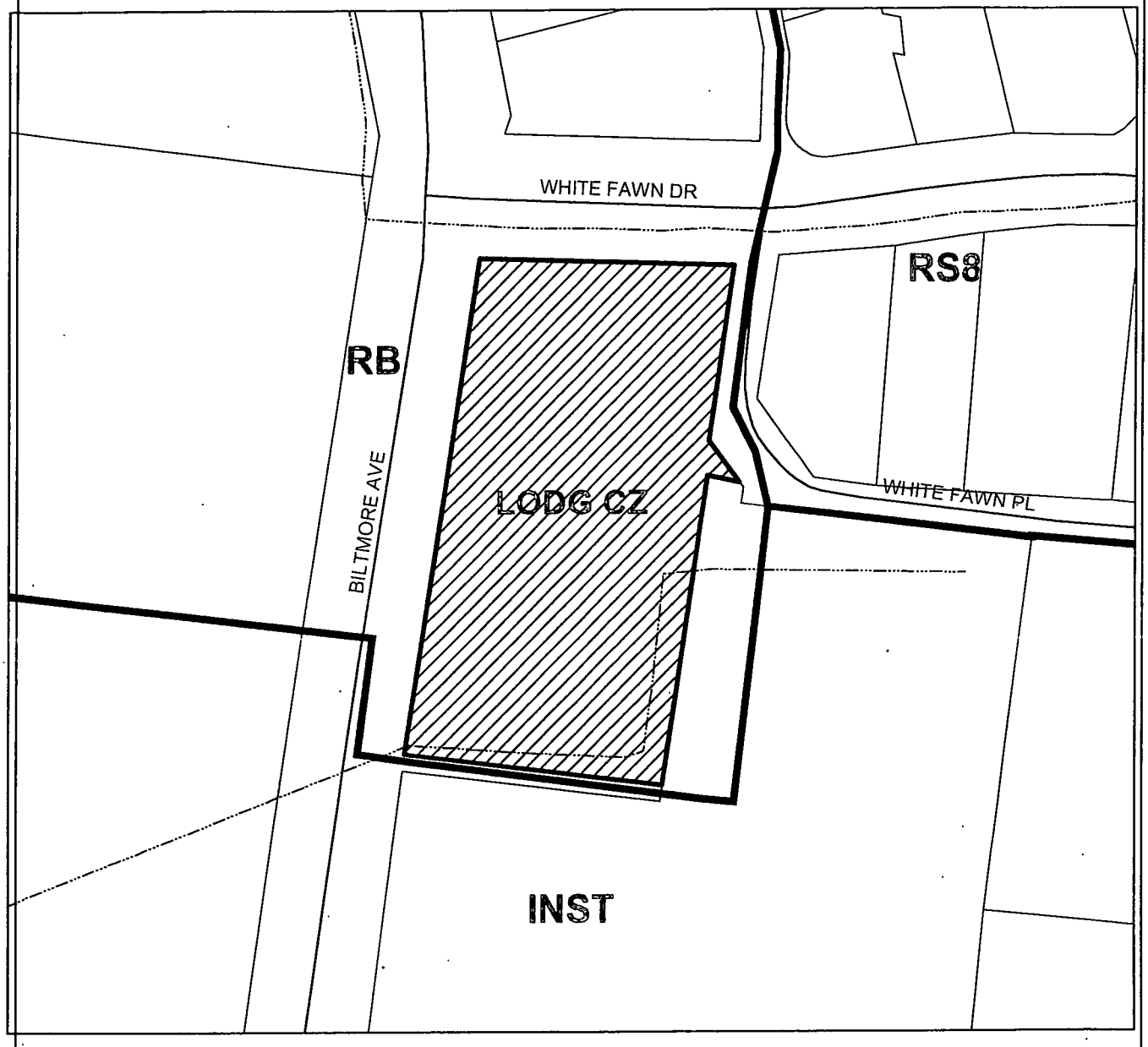
Lauren P. Roberts Jr.
City Attorney

Magdalen Burleson
City Clerk

City of Asheville - Exhibit A1 Proposed Zoning Map
Conditional Zoning - 324 Biltmore Avenue Hotel

ASHEVILLE

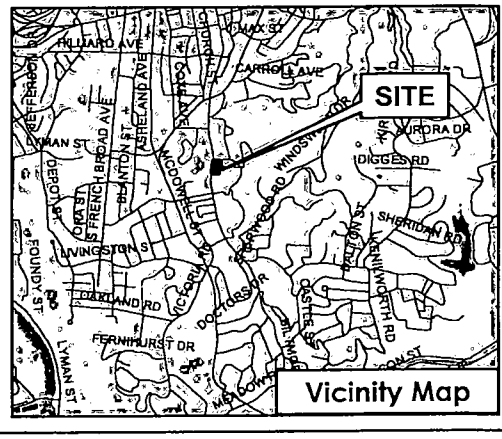
N W E S



Project Name: Extended Stay Hotel
Project Number: 18 - 05805 PZ
Project Description: CZ from RB to LODG EXP CZ
Petitioner(s): Warren Sugg
Parcel ID Number(s): 9648-46-4336

Location/Address: 324 Biltmore Avenue

Project Site | Parcels | Asheville City Limits
Zoning Districts | Streets | River Areas



City of Asheville Planning and Urban Design Department - September 2018

B-1 Conditions
324 Biltmore Avenue - Extended Stay at Hospital Center

1. The zoning for the property is Lodging Expansion – Conditional Zone (LODG EXP-CZ).

2. The approval is for a maximum of 103 hotel rooms.

3. There will be approximately 106 structured parking spaces as shown on the site plan incorporated herein by reference.

4. The development will be built on a parcel consisting of approximately 0.78 acres, PIN 9648-46-4336, as indicated on the Exhibit A map and site plan which are attached hereto and incorporated herein by reference.

5. The sidewalks along Biltmore Avenue and White Fawn Drive will have a minimum width of ten feet.

6. The height of the building will not exceed seven stories, a maximum overall height not to exceed 90 feet six inches. The height within 100 feet of residential zoning is limited to 40 feet maximum.

7. Project is accessed via a two-way driveway from Biltmore Avenue, not to exceed 36 feet in width, as shown on the site plan incorporated herein by reference.

8. Landscaping will meet the requirements of the UDO and includes parking deck screening, building impact landscaping and a property line buffer (further described in condition number 10), as shown on the site plans incorporated herein by reference.

9. In lieu of street trees installed within the sidewalk, a minimum of six large planters will be placed along the Biltmore Avenue frontage, as shown on the landscape plan incorporated herein by reference.

10. The property line buffer to the rear of the site adjacent to residential zoning varies in width between ten and twenty-three feet, as shown on the landscape plan incorporated herein by reference.

11. The maximum amount of impervious surface will not exceed 82%.

12. The building façade facing directly towards Biltmore Avenue is the primary facade and will have 50% or more ground floor fenestration as indicated in the elevations incorporated herein by reference as well as the direct pedestrian entrance as required by the LODG EXP district standards.

13. There will be at least 5 percent of the lot area (approximately 2,000 square feet) of compliant open space incorporated into the project, which is proposed as active recreational spaces within the building.

14. The development shall include a transit pad and shelter with a bench, trash receptacle and map holder and associated easement for public use if needed.

15. The hotel owner/operator will provide free transit passes and maps for Asheville Regional Transport (ART) for paying guests and employees as reasonably requested during normal hours of operation of the bus system.

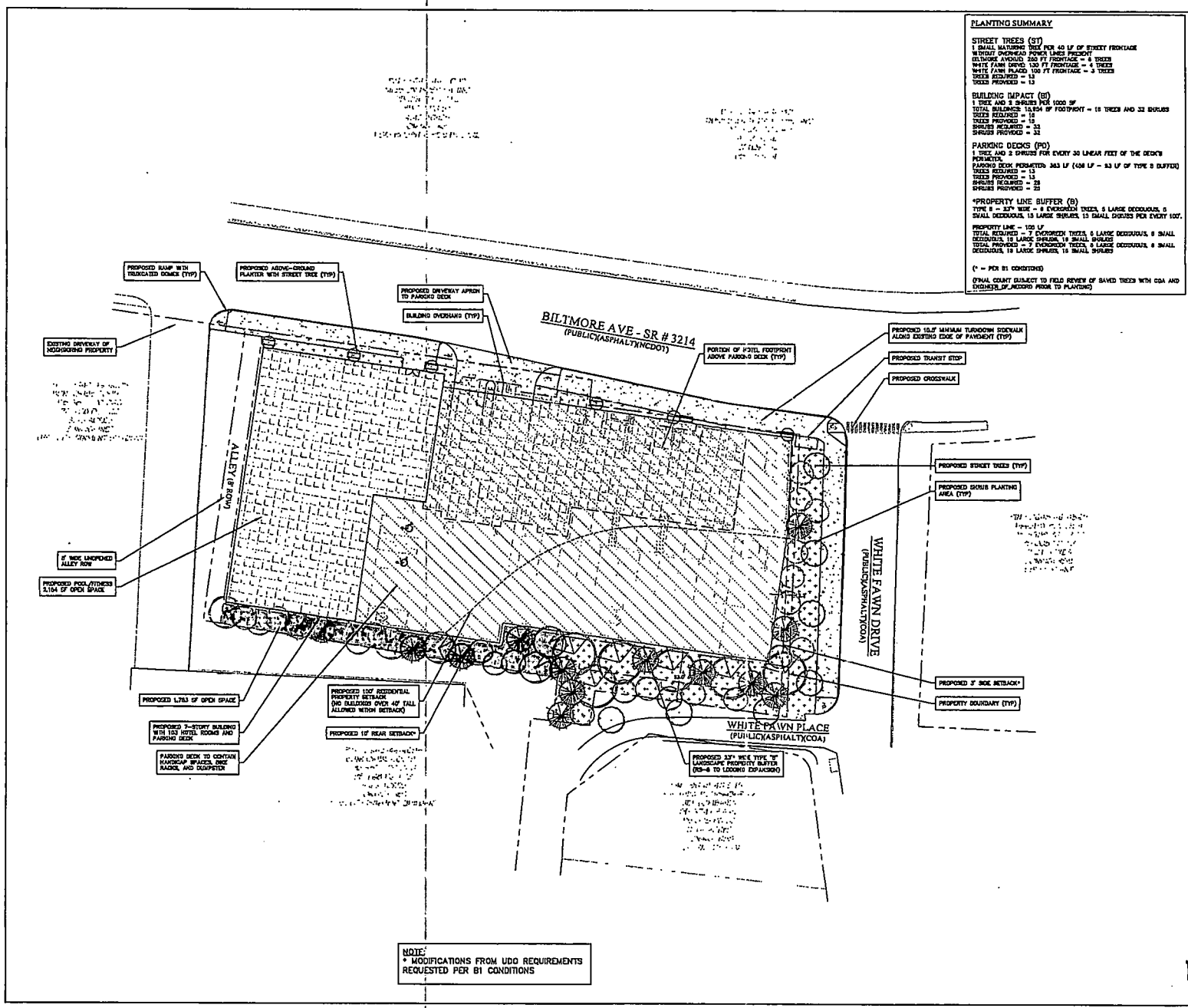
16. The building design site design, construction materials, and orientation on site must substantially comply with the approved site plan, which is incorporated herein by reference. Any major deviations from these plans may require a rezoning by the City Council.

17. Signage shall comply with the allowances for similar uses in the Regional Business zoning district.

18. All exterior lighting shall comply with the Unified Development Ordinance.

19. All legally required local, state, and federal permits and approvals must be obtained prior to initiation of construction and any pertinent legal requirements shall be met.

20. The conditional zoning will be valid for a period of five years from the date of approval by City Council. If a building permit is not obtained within five years, the approval will no longer be valid.



NOTE:
* MODIFICATIONS FROM UDO REQUIREMENTS REQUESTED PER BI CONDITIONS

PLANTING SUMMARY

STREET TREES (ST)
1 SMALL MATURING TREE PER 40 LF OF STREET FRONTAGE WITHOUT OVERHEAD POWER LINES PRESENT
BILTMORE AVENUE: 260 FT FRONTAGE = 6 TREES
WHITE FAWN DRIVE: 130 FT FRONTAGE = 4 TREES
WHITE FAWN PLACE: 100 FT FRONTAGE = 3 TREES
TREES REQUIRED = 13
TREES PROVIDED = 13

BUILDING IMPACT (BI)
1 TREE AND 3 SHRUBS PER 1000 SF
TOTAL BUILDINGS: 10,954 SF FOOTPRINT = 18 TREES AND 32 SHRUBS
TREES REQUIRED = 18
TREES PROVIDED = 18
SHRUBS REQUIRED = 33
SHRUBS PROVIDED = 33

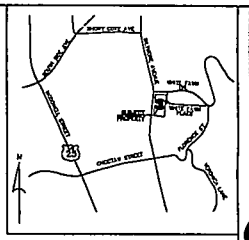
PARKING DECKS (PD)
1 TREE AND 2 SHRUBS FOR EVERY 30 LINEAR FEET OF THE DECK'S PERIMETER
PARKING DECK PERIMETER: 363 LF (406 LF - 43 LF OF TYPE B BUFFER)
TREES REQUIRED = 13
TREES PROVIDED = 13
SHRUBS REQUIRED = 26
SHRUBS PROVIDED = 26

*PROPERTY LINE BUFFER (B)
TYPE B = 33' WIDE = 8 EVERGREEN TREES, 5 LARGE DECIDUOUS, 5 SMALL DECIDUOUS, 15 LARGE SHRUBS, 15 SMALL SHRUBS PER EVERY 100'.

PROPERTY LINE = 100 LF
TOTAL REQUIRED = 7 EVERGREEN TREES, 5 LARGE DECIDUOUS, 5 SMALL DECIDUOUS, 15 LARGE SHRUBS, 15 SMALL SHRUBS
TOTAL PROVIDED = 7 EVERGREEN TREES, 5 LARGE DECIDUOUS, 5 SMALL DECIDUOUS, 15 LARGE SHRUBS, 15 SMALL SHRUBS

(* = PER BI CONDITIONS)

(FINAL COUNT SUBJECT TO FIELD REVIEW OF SAVED TREES WITH COA AND ENGINEER OF RECORD PRIOR TO PLANTING)



VICINITY MAP
(NOT TO SCALE)

DEVELOPMENT DATA

OWNER/DEVELOPER:	MILAN HOTELS 189 TUNNEL ROAD ASHEVILLE, NORTH CAROLINA 28801 MINAXIS PATEL (704) 948-2812
CONTACT:	
CIVIL ENGINEER:	CIVIL DESIGN CONCEPTS, P.A. 192 PATTON AVENUE ASHEVILLE, NORTH CAROLINA 28801 WARREN SUGG, P.E. (828) 252-6360
CONTACT:	
SURVEYOR:	BANKS CREEK SURVEYING 320 ARDEN ROAD ASHEVILLE, NORTH CAROLINA 28804 AARON K. BANKS, P.L.S. (828) 779-0319
CONTACT:	

PROJECT DATA

PIN:	9648-68-4336
ADDRESS:	324 BILTMORE AVENUE
DEED BOOK/PAGE:	5023/0430
IN ACREAGE:	0.78 ACRES
EXISTING ZONING:	RS
PROPOSED ZONING:	LOODHO EXP.
EXISTING USE:	VACANT
PROPOSED USE:	HOTEL

PROPOSED SETBACKS*:

FRONT (BILTMORE AVE)	0'
SIDE:	0'
CORNER (WHITE FAWN DR.)	3'
REAR:	10'

(* = PER BI CONDITIONS)

DISTURBED AREA: 0.88 AC

PARKING CALCULATIONS:

VEHICULAR:
REQUIRED SPACES: (MIN. 1/ 2 ROOMS - MAX 1/ROOM) (3 DEDICATED FOR EMPLOYEES)

	MINIMUM	MAXIMUM
103 ROOMS	53	103
EMPLOYEE SPACES	3	
SPACES PROVIDED:	106	

HANDICAPPED SPACES:
SPACES REQUIRED: 6 — SPACES PROVIDED: 6
BIYCLE:
MINIMUM REQUIRED: 8 — AMOUNT PROVIDED: 8

BUILDING DATA:

BUILDING	DESCRIPTION	HEIGHT	GFA
1	7 STORY STEEL	72'	80,283 SF

IMPERVIOUS CALCULATIONS:

	MINIMUM	MAXIMUM
PRE-DEVELOPMENT:	0.56 ACRES (71%)	0.78 ACRES (100)
POST-DEVELOPMENT:	0.64 ACRES (82%)*	0.78 ACRES (100)

(* = PER BI CONDITIONS)

OPEN SPACE CALCULATIONS (URBAN):
REQUIRED: 1,429 SF (10%) — PROVIDED: 3,937 SF

LEGEND

OPEN SPACE

PROPOSED SHRUB PLANTING AREA

811 Know what's below. Call before you dig.

NORTH

CONCEPTUAL
SITE & LANDSCAPE PLAN
GRAPHIC SCALE

(IN FEET)
1 inch = 50 ft.

CDC Civil Design Concepts, PA
189 PATTON AVENUE ASHEVILLE, NC 28801 PHONE (828) 252-6360 FAX (828) 252-0148
63 WALNUT STREET - SUITE B WAYNESVILLE, NC 28786 PHONE (828) 456-3232 FAX (828) 456-3232
www.civildesignconcepts.com
NICHOLAS LEDERER Jr. C-2194

NO.	DATE	DESCRIPTION	BY
1	02/07/13	CONCEPTUAL TRC SUBMITTAL	MAD

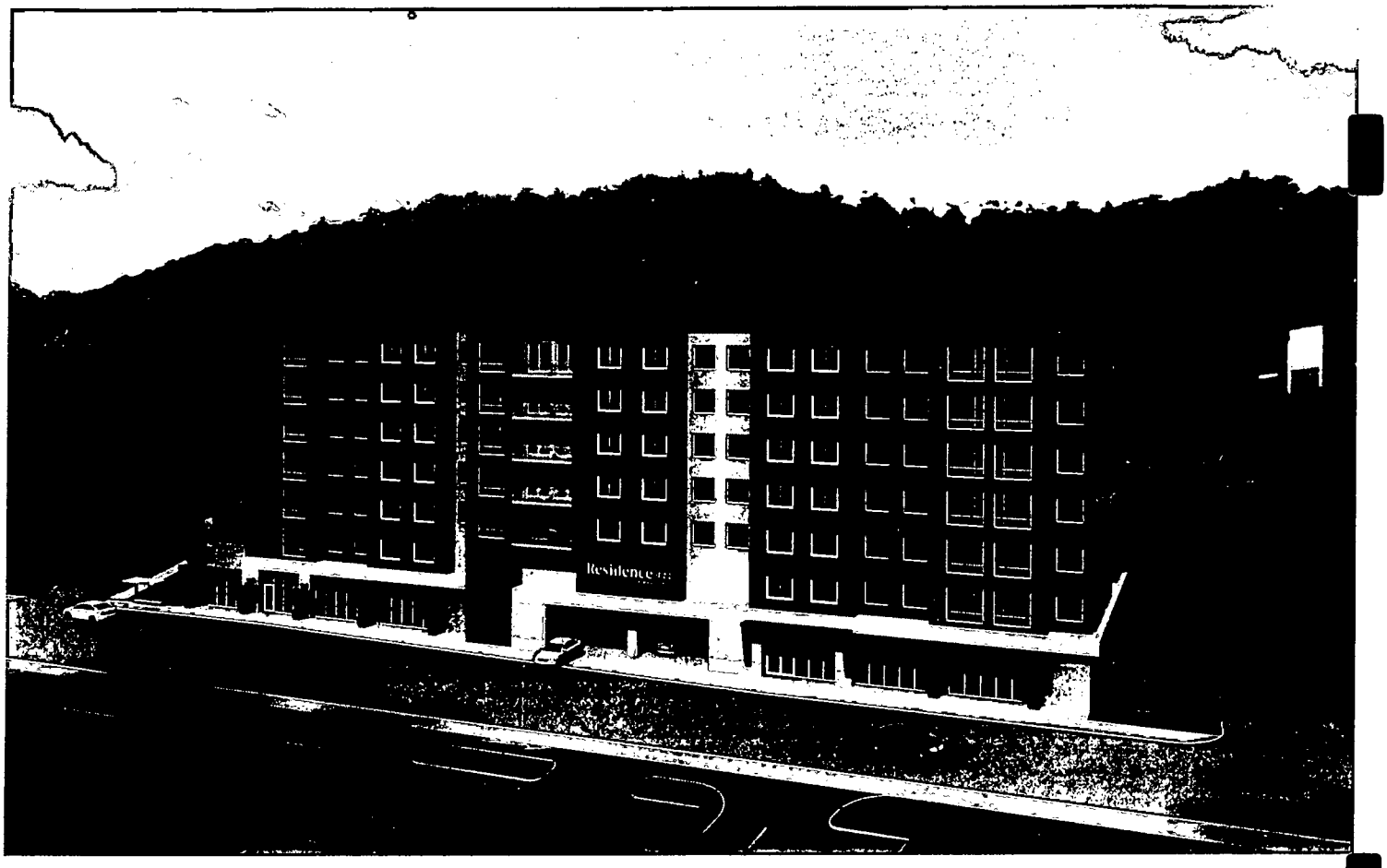
PRELIMINARY NOT RELEASED FOR CONSTRUCTION

CONCEPTUAL SITE & LANDSCAPE PLAN FOR:
EXTENDED STAY HOTEL AT HOSPITAL CENTER
MILAN HOTELS - ASHEVILLE, NORTH CAROLINA

DRAWN BY: AMP
CDC PROJECT NO.: 11750
COA PERMIT NO.: 13-05603PZ
SHEET
C201

Exhibit C
Page 2
319

Exhibit C 2 of 2



ORDINANCE NO. 4734

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 26th day of March, 2019.

Magdalen Bourleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

Julian P. Roach Jr.
City Attorney

PURPOSE: Budget Amendment for Parking Garages Elevators Renovation Projects

Magdalen Bourleson
City Clerk

322.

CITY OF ASHEVILLE

BUDGET AMENDMENT

2018/19	3/26/2019
FISCAL YEAR	EFFECTIVE DATE

Purpose: To fund parking garage rehabilitations

Requesting Department: Transportation

Amendment to: Parking Capital Projects Fund

	Account	Current Budget	Amended Budget	Increase (Decrease)
Revenues				
62190220-498620-T1602	Operating Transfers from Parking	$ 625,000.00	$ 925,000.00	$ 300,000.00
Expenditures				
62100220-612101-T1602	Buildings	$ 493,400.00	$ 793,400.00	$ 300,000.00
BALANCE				**$ -**

Revision to: Parking Services Fund

	Account	Current Budget	Amended Budget	Increase (Decrease)
Revenues				
62000220-499100	Appropriated Fund Balance	$ 400,000.00	$ 700,000.00	$ 300,000.00
Expenditures				
62090221-800621	Transfer to Parking Capital Fund	$ 400,000.00	$ 700,000.00	$ 300,000.00
BALANCE				**$ 300,000.00**

ORDINANCE NO. 4735

ORDINANCE ESTABLISHING CONDITIONAL ZONING FOR PROPERTY LOCATED AT 123, 129, 134 and 155 BILTMORE AVENUE

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this proposed amendment is consistent with the City's 2025 Comprehensive Plan and is determined to be to be reasonable and in the public interest for the following reasons:

a) The project will rehabilitate three historic houses on Biltmore Avenue, consistent with the City's comprehensive plan goals of encouraging historic preservation and adaptive reuse;
b) The new building is compatible with the surrounding context;
c) The project will improve pedestrian access and infrastructure on both Biltmore and South Lexington avenues; and
d) The proposal is aligned with the Future Land Use map in the Living Asheville Comprehensive Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

The zoning classification of that certain real property described in Exhibit A and identified on Buncombe County tax maps as PIN 9648.48-3860 recorded in Deed Book 5620, Page 0482 and currently owned by McNorthup Properties LLC; PIN 9648.48-3740 recorded in Deed Book 1685, Page 0577 and currently owned by 137 Biltmore Associates; PIN 9648.48-3611 recorded in Deed Book 1409, Page 0510 and currently owned by 137 Biltmore Associates; and PIN 9648.48-2474 recorded in Deed Book 5359 and Page 1124 and currently owned by 155 Biltmore

LLC from Central Business District (CBD) to Central Business District Expansion Conditional Zoning District (CBD EXP-CZ). A copy of the official zoning map showing said lot is attached hereto as Exhibit "A.1" and made a part hereof. Said rezoning is subject to the conditions set out in Exhibit "B.1", and substantially complies with the site plans shown in Exhibit "C", both attached hereto and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. The ordinances shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 5. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 26th day of March, 2019.

Magdalen Burleson
City Clerk

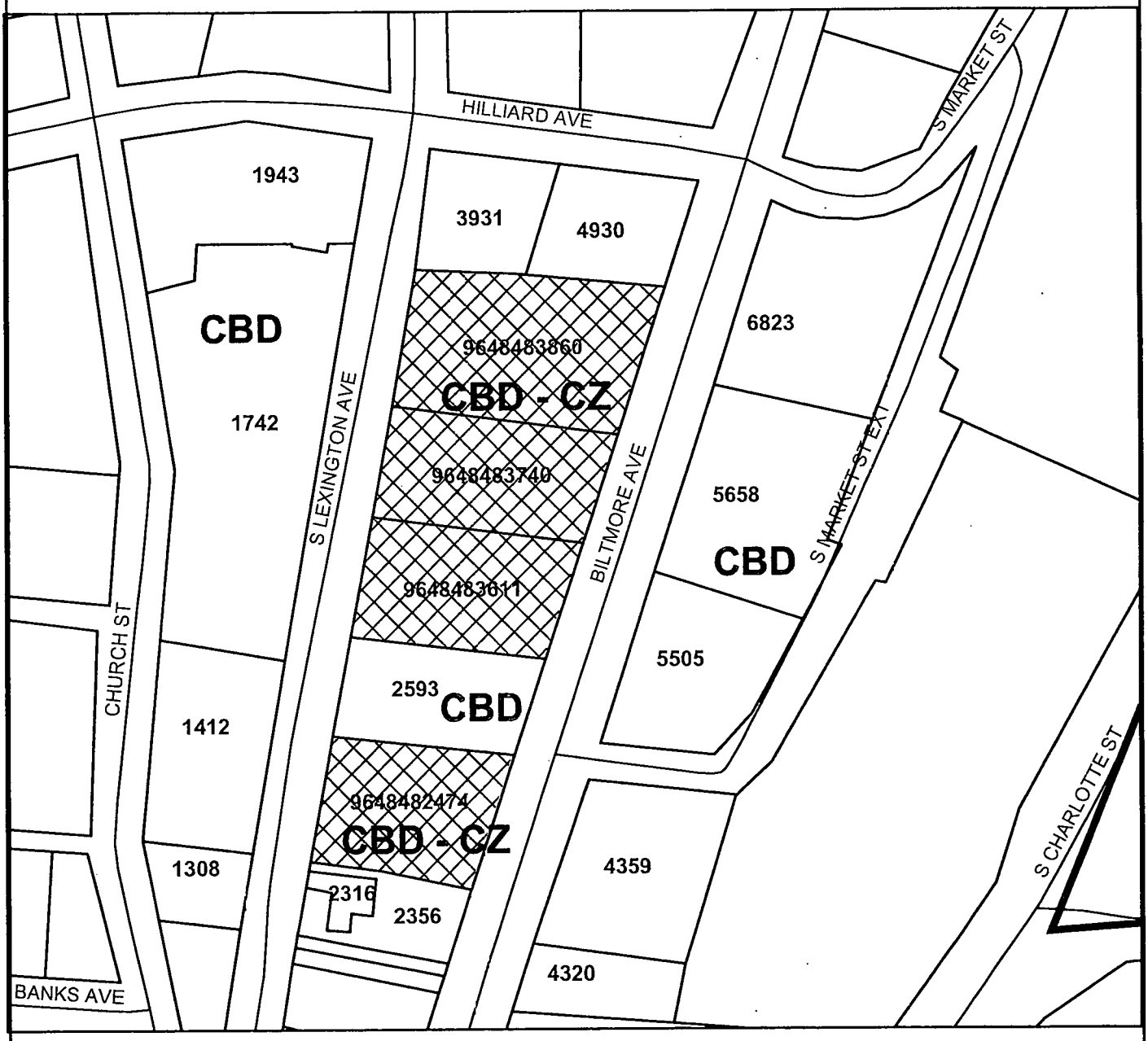
Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

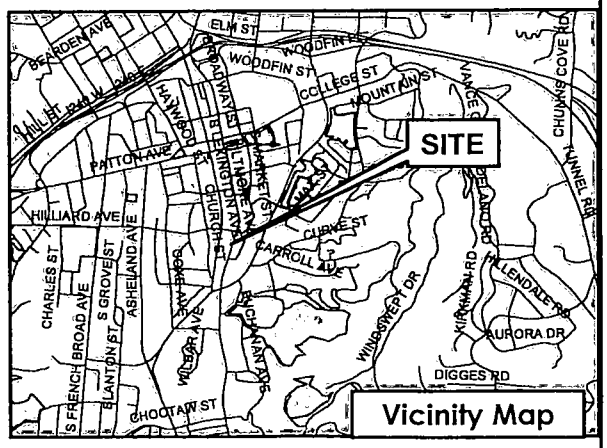
Magdalen Burleson
City Clerk

City of Asheville - Exhibit A.1 Proposed Zoning Map
Conditional Zoning Review
123, 129, 134 and 155 Biltmore Ave.



Project Name: Family Lodge Lodging Expansion
Project Number: 18-05805 PZ
Project Description: 56 Room Hotel in 4 buildings
Central Business District Expansion
CZ District
Petitioner(s): Warren Sugg, PE
Parcel ID Number(s): 9648-48-3860, -3740, -3611: -2474
Location/Address: 155 Biltmore Ave

Project Site
Parcels
Zoning Districts
Asheville City Limits
Streets
Streams



City of Asheville Planning and Urban Design Department - November 2018

B-1 Conditions
Family Lodge at Biltmore Avenue
March 11, 2019

1. The zoning for the site will be Central Business District - Expansion Conditional Zone (CBD EXP-CZ).

2. The approval is for 56 hotel rooms in four buildings, a restaurant and amenity areas and 46 parking spaces.

3. The development will be built on four parcels consisting of approximately 1.56 acres, PINs 9648-48-3860, -3740, -3611, -2474, as indicated on the Exhibit A map and site plan which are attached hereto and incorporated herein by reference.

4. The project will rehabilitate the three houses at 123, 129 and 134 Biltmore Avenue and the carriage house at 127 Biltmore Avenue in accordance with the Secretary of Interior's Standards for Historic Rehabilitation. All three properties are permanently protected by Preservation Easements held by Preservation Society of Asheville. Lodging will occur in the three houses and the carriage house will be used for storage.

5. The new building at 155 Biltmore will have 36 rooms and a restaurant. The building is five stories tall as measured from Biltmore Avenue. Overall height of the new building at 155 Biltmore Avenue will not exceed 65 feet.

6. Sidewalks will be provided as follows: In front of 155 Biltmore the sidewalk will be 12 feet. In front of 123, 129 and 134 Biltmore the sidewalk will be the existing width (6'9" to 7'), in order to accommodate the historic rock wall. On South Lexington the sidewalks will be the minimum of 10 foot sidewalks with the exception of the 7 foot sidewalk along 123 Biltmore's existing parking lot because of existing, mature trees.

7. All four buildings on Biltmore Avenue will have primary pedestrian entrances on Biltmore.

8. The new building at 155 Biltmore will meet the 70% openings requirement for ground floors on both Biltmore and Lexington Avenues.

9. Required landscaping includes street trees, parking lot landscaping and street buffer as shown on the site plans.

10. Project will provide vehicular garage entry/exit from S Lexington Ave for 155 Biltmore.

11. The parking lot on South Lexington behind the historic houses will remain.

12. Landscaping for the retaining wall on South Lexington will be maintained both in front of the wall (as required) and above the wall to address neighbors' concerns.

13. The building design site design, construction materials, and orientation on site must substantially comply with the approved site plan, which is incorporated herein by

reference. Any major deviations from these plans may require a rezoning by the City Council.

14. All exterior lighting shall comply with the Unified Development Ordinance.

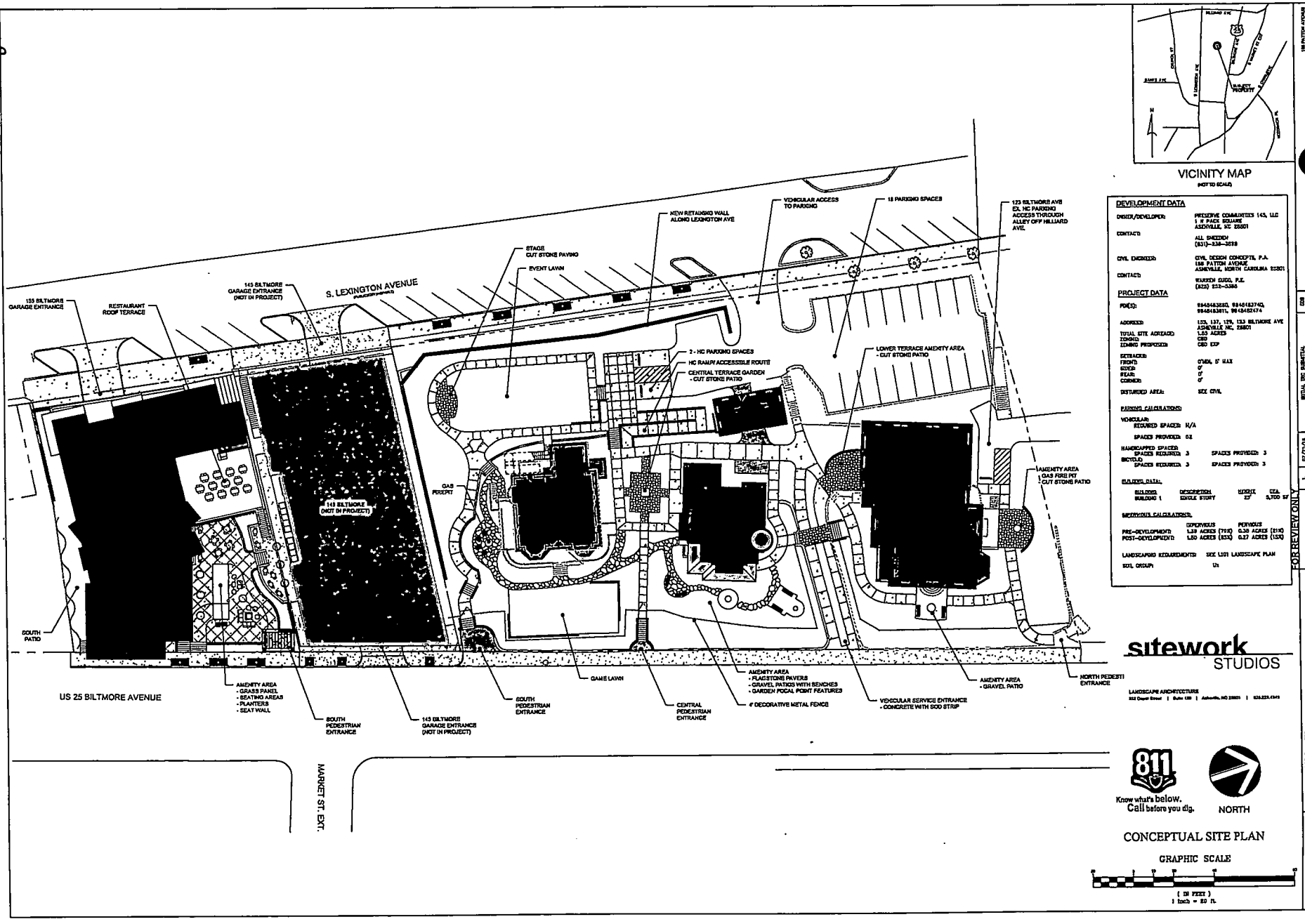
15. Signage shall be as allowed under the UDO for Central Business District zoning.

16. All legally required local, state, and federal permits and approvals must be obtained prior to initiation of construction and any pertinent legal requirements shall be met.

17. The conditional zoning will be valid for a period of three years from the date of approval by City Council. If a building permit is not obtained within three years, the approval will no longer be valid.

18. The project will provide 18 parking spaces on South Lexington Avenue and they will be publicly available.

Exh C 1079



VICINITY MAP
(NOT TO SCALE)

DEVELOPMENT DATA

OWNER/DEVELOPER: PRESERVE COMMUNITIES 145, LLC
1 N PACK SQUARE
ASHEVILLE, NC 28801

CONTACT: ALL SHEDDEN
(831)-238-3518

CIVIL ENGINEER: CIVIL DESIGN CONCEPTS, P.A.
188 PATTON AVENUE
ASHEVILLE, NORTH CAROLINA 28801

CONTACT: WARREN DUGG, P.E.
(828) 252-3380

PROJECT DATA

PIN(S): 9648483280, 9648483740, 9648483811, 9648482674

ADDRESS: 153, 137, 129, 133 BILTMORE AVE
ASHEVILLE, NC, 28801

TOTAL SITE ACREAGE: 1.53 ACRES
ZONING: CBD
ZONING PROPOSED: CBD EXP

SETBACKS:
FRONT: 0'MIN, 5' MAX
SIDES: 0'
REAR: 0'
CORNER: 0'

DISTURBED AREA: SEE CIVIL

PARKING CALCULATIONS:

VEHICULAR:
REQUIRED SPACES: N/A
SPACES PROVIDED: 52

HANDICAPPED SPACES:
SPACES REQUIRED: 3 SPACES PROVIDED: 3

BICYCLE:
SPACES REQUIRED: 3 SPACES PROVIDED: 3

BUILDING DATA:

BUILDING	DESCRIPTION	HEIGHT	GFA
BUILDING 1	SINGLE STORY	23'	5,700 SF

IMPERVIOUS CALCULATIONS:

	IMPERVIOUS	PERVIOUS
PRE-DEVELOPMENT:	1.29 ACRES (79%)	0.32 ACRES (21%)
POST-DEVELOPMENT:	1.50 ACRES (85%)	0.27 ACRES (15%)

LANDSCAPING REQUIREMENTS: SEE L101 LANDSCAPE PLAN

SOIL GROUP: Un

sitework STUDIOS
LANDSCAPE ARCHITECTURE
252 Depot Street | Suite 100 | Asheville, NC 28801 | 828.225.0345

811 Know what's below. Call before you dig.

NORTH

CONCEPTUAL SITE PLAN

GRAPHIC SCALE
0 5 10 20 40
(IN FEET)
1 inch = 20 ft.

CDC Civil Design Concepts, PA
188 PATTON AVENUE
ASHEVILLE, NC 28801
PHONE (828) 252-3380
FAX (828) 253-8202
52 WALNUT STREET, SUITE B
WAYNESVILLE, NC 28786
PHONE (828) 452-4158
FAX (828) 452-4159
www.civildesignconcepts.com
MICHELE LEFCHER P. 04-184

NO.	DATE	DESCRIPTION	BY
1.	07/25/18	INITIAL DRC SUBMITTAL	CDS

FOR REVIEW ONLY

NORTH CAROLINA SITEWORK STUDIOS, PLLC C-188

CONCEPTUAL SITE PLAN FOR:
155 BILTMORE AVE
155 BILTMORE LLC - ASHEVILLE, NORTH CAROLINA

DRAWN BY: CDS
CDC PROJECT NO.: 11828
CDC PERMIT NO.: N/A

SHEET
L-200

328

329

Exh C 2089

BUILDING IMPACT LANDSCAPE REQUIREMENTS (BI)
NONE REQUIRED IN UDO

BUFFERYARD REQUIREMENTS (B)
NO BUFFERS ARE REQUIRED FOR THIS PROJECT.

PARKING LOT LANDSCAPE REQUIREMENTS (PL)
PLANTINGS REQUIRED AT 1 TREE/17 LINEAR FEET (SIDE)
TOTAL SQUARE FOOTAGE OF VEHICULAR USE AREAS = 7,808 SF
PLANTINGS REQUIRED = 8 TREES / 11 SHRUBS
PLANTINGS PROVIDED = 6 TREES (EXISTING) / 11 SHRUBS (13 EXISTING)

STREET TREE LANDSCAPE REQUIREMENTS - BILTMORE AVE (ST)
TOTAL LINEAR FOOTAGE OF PUBLIC RIGHT OF WAY = 478 LF
TREES REQUIRED AT 1 TREE PER 40 LINEAR FEET OF R/W, 1 TREE PER 25 FT UNDER UTILITY LINES
NUMBER OF TREES REQUIRED = 11
NUMBER OF TREES PROVIDED = 11

STREET TREE LANDSCAPE REQUIREMENTS - S. LEXINGTON AVE (ST)
TOTAL LINEAR FOOTAGE OF PUBLIC RIGHT OF WAY = 383 LF
TREES REQUIRED AT 1 TREE PER 40 LINEAR FEET OF R/W
NUMBER OF TREES REQUIRED = 10
NUMBER OF TREES PROVIDED = 12 (4 EXISTING)

STREET BUFFER LANDSCAPE REQUIREMENTS (SB)
LINEAL FOOTAGE OF PUBLIC RIGHT OF WAY REQUIRED BUFFER = 134 LF (LEXINGTON AVE)
SHRUBS REQUIRED AT 1 PER 4 LINEAR FOOT
PLANTINGS REQUIRED = 31
PLANTINGS PROVIDED = 31 (14 EXISTING)

COMPLIANCE NOTES

1. ALL DRIVEWAY AND ENTRANCE CONNECTIONS ARE SUBJECT TO LOCAL AGENCY APPROVALS. ALL SIDEWALKS SHALL PROVIDE ADEQUATE HANDICAP ACCESSIBILITY AT CROSSWALKS.

2. ANY PLANT MATERIAL TO BE INSTALLED IN THE R.O.W. SHALL BE APPROVED BY THE CITY OF ASHEVILLE ARBORIST. PLANT SPECIES AND FULL PLANTING PLAN SHALL BE SUBMITTED AT FINAL TRC. PLANT MATERIAL SHALL BE SELECTED FROM CITY OF ASHEVILLE RECOMMENDED SPECIES LIST.

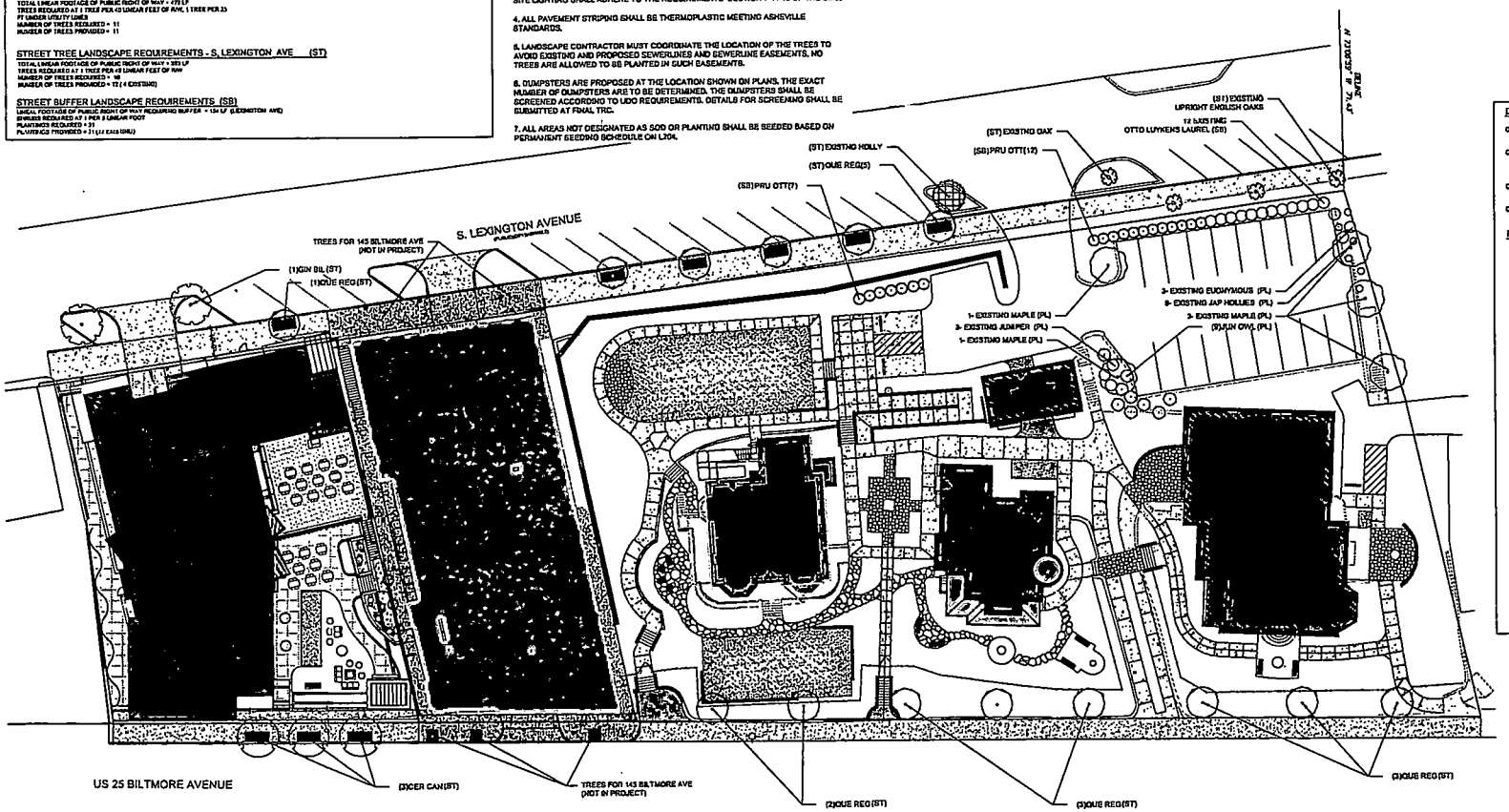
3. A LIGHTING PLAN SHALL BE SUBMITTED TO THE CITY OF ASHEVILLE PLANNING DEPARTMENT DURING THE FINAL TRC & PERMITTING PHASE OF DEVELOPMENT. ALL SITE LIGHTING SHALL ADHERE TO THE REQUIREMENTS SECTION 7-11-10 OF THE UDO.

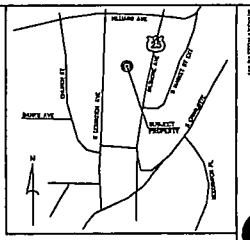
4. ALL PAVEMENT STRIPING SHALL BE THERMOPLASTIC MEETING ASHEVILLE STANDARDS.

5. LANDSCAPE CONTRACTOR MUST COORDINATE THE LOCATION OF THE TREES TO AVOID EXISTING AND PROPOSED SEWERLINES AND SEWERLINE EASEMENTS. NO TREES ARE ALLOWED TO BE PLANTED IN SUCH EASEMENTS.

6. DUMPSTERS ARE PROPOSED AT THE LOCATION SHOWN ON PLANS. THE EXACT NUMBER OF DUMPSTERS ARE TO BE DETERMINED. THE DUMPSTERS SHALL BE SCREENED ACCORDING TO UDO REQUIREMENTS. DETAILS FOR SCREENING SHALL BE SUBMITTED AT FINAL TRC.

7. ALL AREAS NOT DESIGNATED AS SOD OR PLANTING SHALL BE SEEDED BASED ON PERMANENT SEEDING SCHEDULE ON L304.





VICINITY MAP
(NOT TO SCALE)

DEVELOPMENT DATA

OWNER/DEVELOPER:	PRESERVE COMMUNITIES 143, LLC 1 N PACE SQUARE ASHEVILLE, NC 28801
CONTACT:	ALL SNEDDON (831)-338-3828
CIVIL ENGINEER:	CIVIL DESIGN CONCEPTS, P.A. 168 PATTON AVENUE ASHEVILLE, NORTH CAROLINA 28801
CONTACT:	WARREN SUDD, P.E. (828) 252-8368

PROJECT DATA

PIN(S):	9648483880, 9648483740, 9648483811, 9648482474
ADDRESS:	133, 137, 139, 123 BILTMORE AVE ASHEVILLE NC, 28801
TOTAL SITE ACREAGE:	1.53 ACRES
ZONED:	CBD
ZONED PROPOSED:	CBD EXP
SETBACKS:	
FRONT:	0'MIN, 8' MAX
SIDE:	0'
REAR:	0'
CORNER:	0'
DISTURBED AREA:	SEE CIVIL

PARKING CALCULATIONS

VEHICULAR:
REQUIRED SPACES: N/A
SPACES PROVIDED: 52

HANDICAPPED SPACES:
SPACES REQUIRED: 3 SPACES PROVIDED: 3

BICYCLE:
SPACES REQUIRED: 3 SPACES PROVIDED: 3

BUILDING DATA:

BUILDING	DESCRIPTION	HEIGHT	GFA
BUILDING 1	SINGLE STORY	23'	3,700 SF

IMPERVIOUS CALCULATIONS:

	IMPERVIOUS	PERVIOUS
PRE-DEVELOPMENT	1.33 ACRES (72%)	0.38 ACRES (21%)
POST-DEVELOPMENT	1.50 ACRES (83%)	0.27 ACRES (15%)

LANDSCAPING REQUIREMENTS: SEE L101 LANDSCAPE PLAN

SOIL GROUP: Ux

PLANT SCHEDULE

TREES	QTY	BOTANICAL NAME	COMMON NAME	CONT	CAL	SIZE	REMARKS
CER CAN	3	Cercis canadensis	Eastern Redbud	B & B	1.5"Cal	8'-10' HT	
GIN BIL	2	Ginkgo biloba	Maidenhair Tree	B & B		3" cal	SPECIMEN QUALITY; WELL-MATCHED
QUE REG	14	Quercus robur 'Regal Prince'	Regal Prince English Oak	3" B&B			
SHRUBS	**QTY**	**BOTANICAL NAME**	**COMMON NAME**	**CONT**			**REMARKS**
JUN OWL	9	Juniperus virginiana 'Grey Owl'	Eastern Redcedar	3 GAL/ 24" HT. MIN.			
PRU OTT	19	Prunus laurocerasus 'Otto Luyken'	Luykens Laurel	3 GAL/ 24" HT. MIN.			

sitework STUDIOS
LANDSCAPE ARCHITECTURE
233 Depot Street | Suite 120 | Asheville, NC 28801 | 828.253.4943

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NORTH

LANDSCAPE PLAN

GRAPHIC SCALE
(IN FEET)
1 inch = 20 ft.

FOR REVIEW ONLY

NORTH CAROLINA LICENSED LANDSCAPE ARCHITECT C-188 SITEWORK STUDIO, P.A.

CDC Civil Design Concepts, PA
168 PATTON AVENUE ASHEVILLE, NC 28801 PHONE (828) 252-8368 FAX (828) 252-8369
63 WALNUT STREET, SUITE B WAYNESVILLE, NC 28786 PHONE (828) 456-3223 FAX (828) 456-3223
www.civildesignconcepts.com
NICHOLAS LICCIARDI PE D-2184

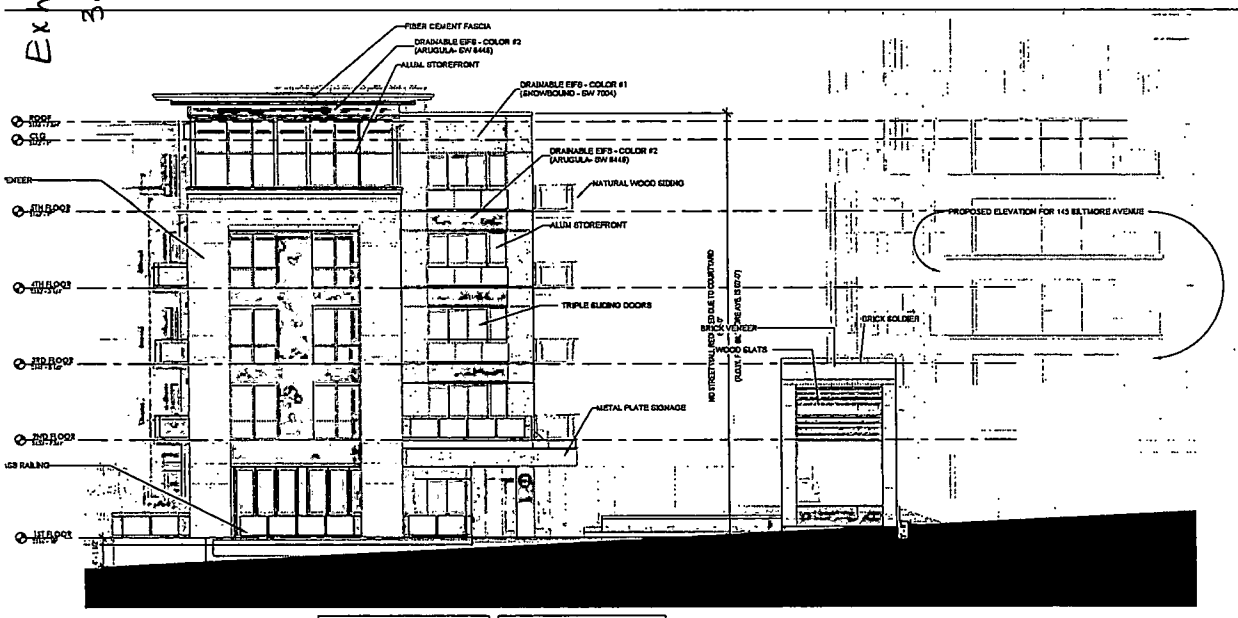
NO.	DATE	DESCRIPTION	BY
1	07/23/18	INITIAL TRC SUBMITTAL	

LANDSCAPE PLAN FOR:
155 BILTMORE AVE
133 BILTMORE LLC - ASHEVILLE, NORTH CAROLINA

DRAWN BY: CDC
CDC PROJECT NO.: 11023
CDC PERMIT NO.: N/A

SHEET
L-300

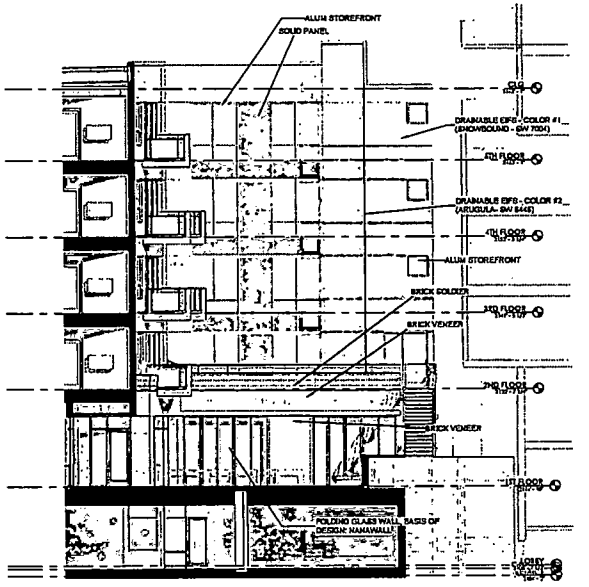
Exh C
308



FENESTRATION AREA REQUIREMENT	
UPPER LEVELS	
PROVIDED	
WALL AREA:	2,079 SF
FENESTRATION AREA:	883 SF (43%)

FENESTRATION AREA REQUIREMENT	
STREET LEVEL	
PROVIDED	
WALL LINEAR FT:	64 FT
FENESTRATION LINEAR FT:	54 FT (84%)

3 BILTMORE AVE ELEV #1
1/8" = 1'-0"



4 WEST COURTYARD VIEW
1/8" = 1'-0"

1 SOUTH ELEVATION
1/8" = 1'-0"

DEVELOPMENT DATA

[illegible]

PROJECT DATA

[illegible]

ROWHOUSE ARCHITECTS
one north pack square
asheville, north carolina
28801
T1 828.281.2344
T2 828.231.1831

A FAMILY LODGE on BILTMORE AVE
155 BILTMORE AVENUE
155 BILTMORE AVE
ASHEVILLE, NC

Release / Revision Date

No.	Description	Date

Permit Submittal Date
NA

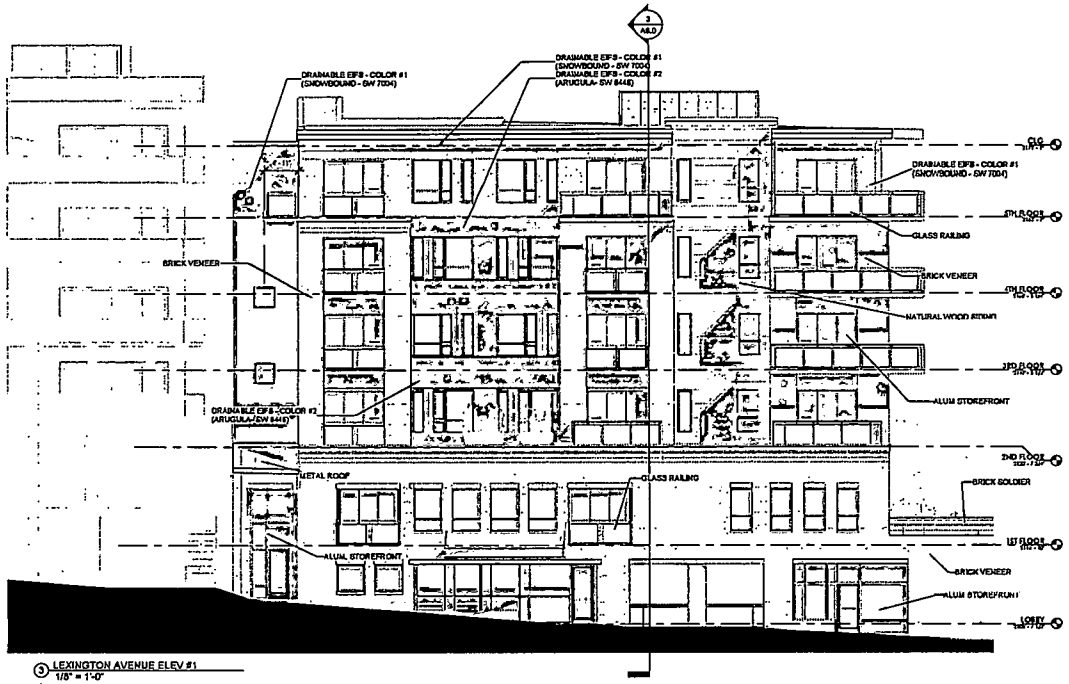
Sheet Title
ELEVATIONS

A5.0

10/23/2018 12:02:00 PM

330

331
Exh C
4 of 9

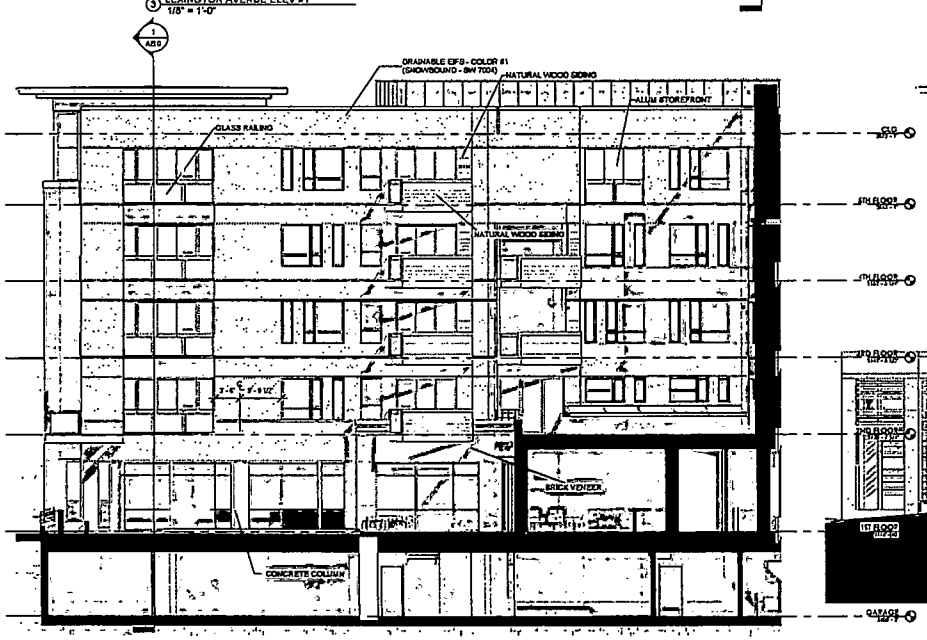


3 LEXINGTON AVENUE ELEV #1
1/8" = 1'-0"

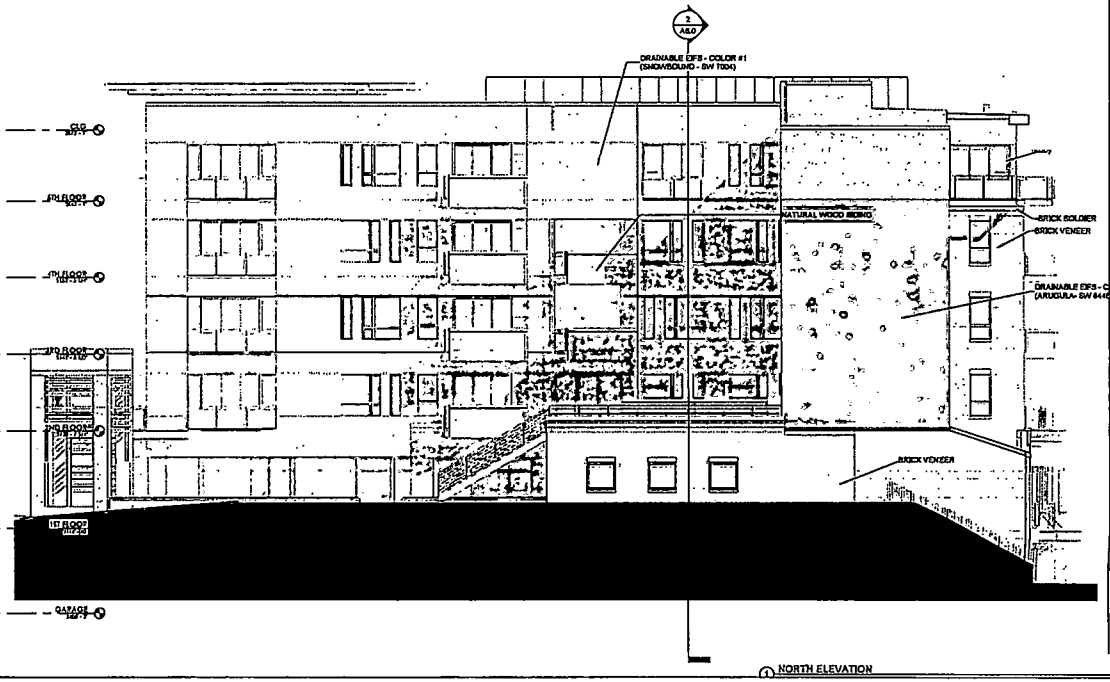
LEXINGTON AVE FENESTRATION CALCULATIONS

FENESTRATION AREA REQUIREMENT	
STREET LEVEL	
PROVIDED	
WALL LINEAR FT:	84.5 FT
FENESTRATION LINEAR FT:	59 FT (71%)

FENESTRATION AREA REQUIREMENT	
UPPER LEVELS	
PROVIDED	
WALL AREA:	5,143 SF
FENESTRATION AREA:	1,656 SF (32%)



2 SOUTH COURTYARD VIEW
1/8" = 1'-0"



1 NORTH ELEVATION

DEVELOPMENT DATA

PROJECT DATA

ROWHOUSE ARCHITECTS
one north pack square
asheville, north carolina
28801
T1 828.281.2344
T2 828.231.1931

A FAMILY LODGE on BILTMORE AVENUE
155 BILTMORE AVENUE
155 BILTMORE AVE
ASHEVILLE, NC

Release / Revision Dates

No.	Description	Date

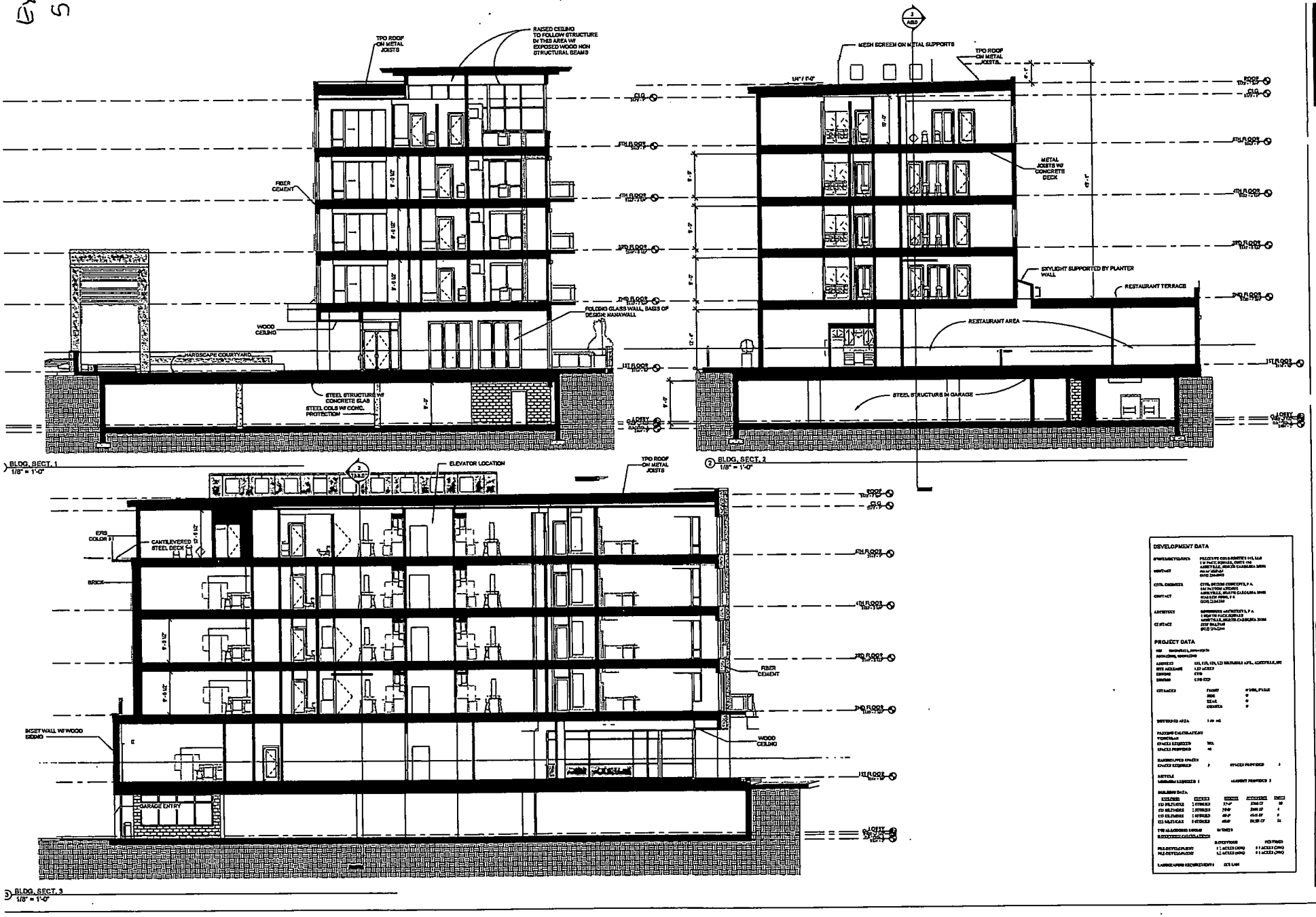
Permit Submittal Date
NA

Sheet Title
ELEVATIONS

A5.1

10/23/2018 12:07:51 PM

Exh C
5 of 9



DEVELOPMENT DATA

PROJECT DATA

ROWHOUSE ARCHITECTS

one north pack square
asheville, north carolina
28801

T1 828.281.2344
T2 828.231.1931

A FAMILY LODGE on BILTMORE AVE

155 BILTMORE AVENUE

155 BILTMORE AVE
ASHEVILLE, NC

Release / Revision Dates

No.	Description	Date

Permit Submittal Date

NA

Sheet Title

BUILDING SECTIONS

A6.0

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332

333
Exh C
689

ANNOTATION KEY	
SYMBOL	DESCRIPTION
A101 (1 Ref)	EXTERIOR ELEVATION VIEW & SHEET #
A101 (1 Ref)	INTERIOR ELEVATION VIEW & SHEET #
11	COMPONENT TYPE
1	DOOR TYPE
230 38 240	EGRESS DOOR TAG
9	WINDOW TYPE
This is a sample comment / 101 / Room name	ROOM NAME, #, AND FLOOR FINISH
1 / A101 SIM	BUILDING SECTION VIEW & SHEET #
1 / A101 SIM	WALL SECTION VIEW & SHEET #
	CLG. HEIGHT
9	WALL TYPE
1 / A101 SIM	ENLARGED DETAIL OR CALLOUT

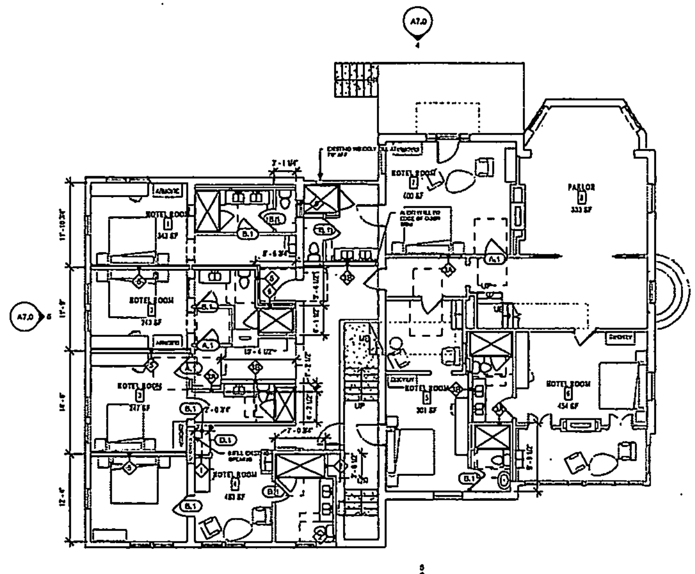
DOOR LEGEND

- CASED OPENING (EXISTING WOOD TRIM SURROUND)
- DOUBLE DOOR
- SINGLE DOOR (NEW DOORS DO NOT HAVE THE HISTORIC TRIM)
- POCKET DOOR
- INTERIOR WOOD SLIDER

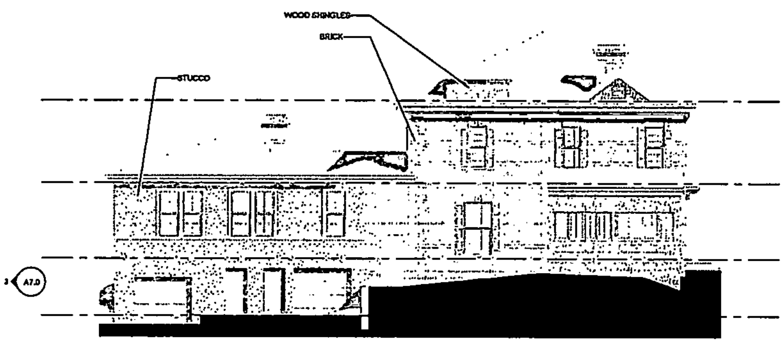
PARTITION KEY

- UNRATED WALL SEE SHEET A4.0 FOR WALL TYPES (BATHROOM / BEDROOM WALLS AND CEILINGS INSULATED)
- 2 HOUR RATED WALL SEE SHEET A4.0 FOR WALL TYPES
- 1 HOUR RATED DEMISING WALL SEE SHEET A4.0 FOR WALL TYPES
- 1/2 HOUR RATED DEMISING WALL SEE SHEET A4.0 FOR WALL TYPES

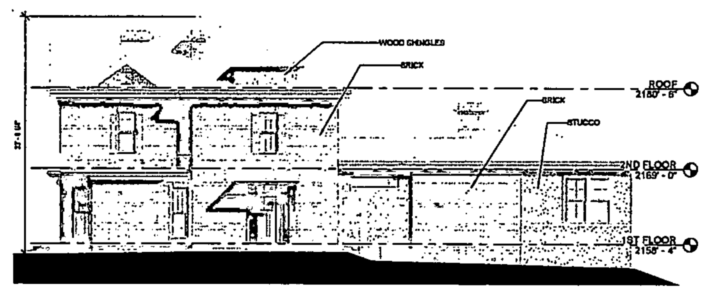
*NOTE: RUNS GREATER THAN 30' IN LENGTH REQUIRE A CONTROL JOINT.



1 1ST FLOOR
1/8" = 1'-0"



5 SOUTH ELEVATION
1/8" = 1'-0"



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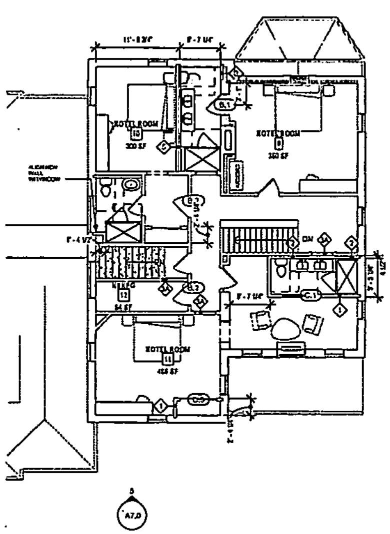
1/8" = 1'-0"



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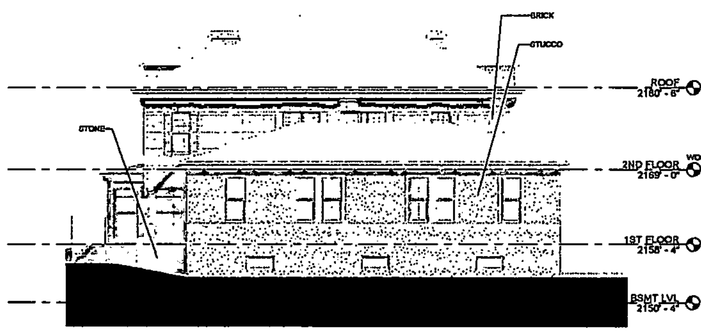
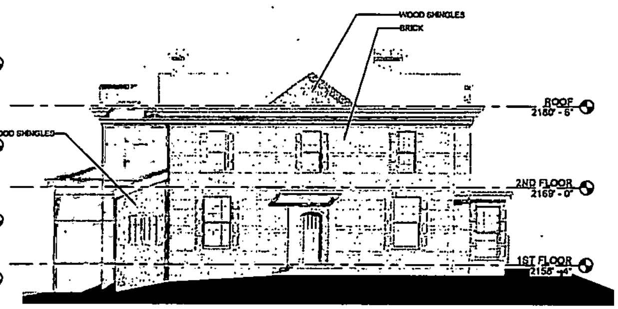
1/8" = 1'-0"



6 WEST ELEVATION
1/8" = 1'-0"



3 EAST ELEVATION
1/8" = 1'-0"

ROWHOUSE ARCHITECTS
one north pack square
asheville, north carolina
28801
T1 828.281.2344
T2 828.231.1931

A FAMILY LODGE on BILTMORE AVE

123 BILTMORE AVE

123 BILTMORE AVE
ASHEVILLE, NC

Release / Revision Dates

No.	Description	Date

Permit Submittal Date: NA

Sheet Title: FLOOR PLANS & ELEVATIONS

A7.0

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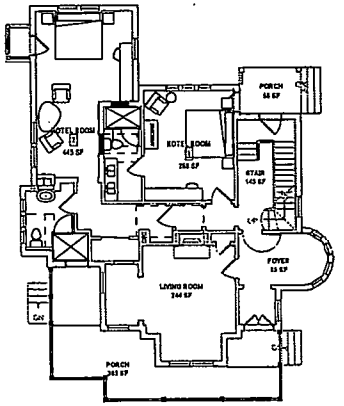
Exh C
Doc 9

ANNOTATION KEY	
SYMBOL	DESCRIPTION
1 Ref A101 1 Ref	EXTERIOR ELEVATION VIEW & SHEET #
1 Ref A101 1 Ref	INTERIOR ELEVATION VIEW & SHEET #
1	COMPONENT TYPE
1	DOOR TYPE
200 M 200	EGRESS DOOR TAG
1	WINDOW TYPE
This is a sample comment 100 Room name 12'-0"	ROOM NAME, #, AND FLOOR FINISH
1 A101 SIM	BUILDING SECTION VIEW & SHEET #
1 A101 SIM	WALL SECTION VIEW & SHEET #
1	CLG. HEIGHT
1	WALL TYPE
1 A105 SIM	ENLARGED DETAIL OR CALLOUT

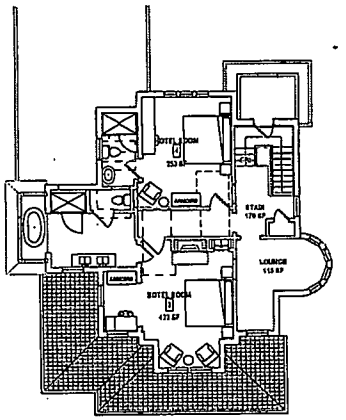
DOOR LEGEND	
	CASED OPENING (EXISTING WOOD TRIM SURROUND)
	DOUBLE DOOR
	SINGLE DOOR (NEW DOORS DO NOT HAVE THE HISTORIC TRIM)
	POCKET DOOR
	INTERIOR WOOD SLIDER

PARTITION KEY
UNRATED WALL SEE SHEET A4.0 FOR WALL TYPES (BATHROOM / BEDROOM WALLS AND CEILINGS INSULATED)
2 HOUR RATED WALL SEE SHEET A4.0 FOR WALL TYPES
1 HOUR RATED DEMISING WALL SEE SHEET A4.0 FOR WALL TYPES
1/2 HOUR RATED DEMISING WALL SEE SHEET A4.0 FOR WALL TYPES

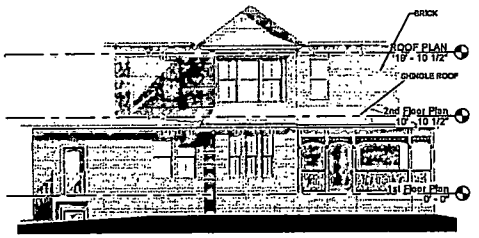
*NOTE: RUNS GREATER THAN 30' IN LENGTH REQUIRE A CONTROL JOINT.



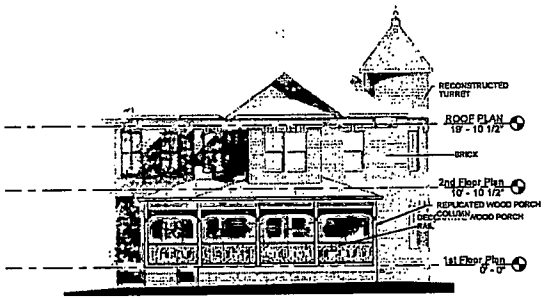
5 1ST FLOOR PLAN
1/8" = 1'-0"



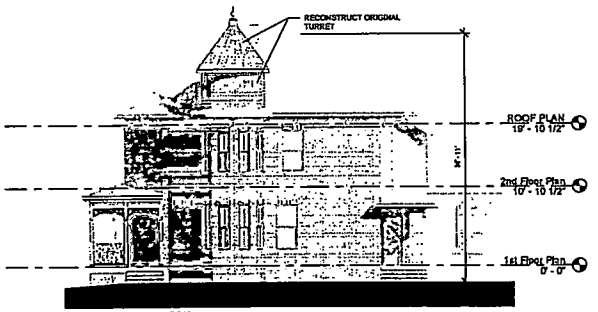
6 2ND FLOOR PLAN
1/8" = 1'-0"



4 SOUTH ELEVATION
1/8" = 1'-0"



3 EAST ELEVATION
1/8" = 1'-0"



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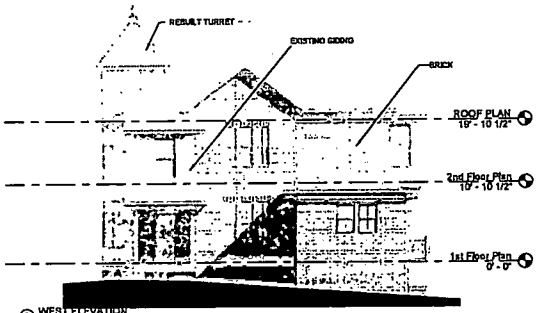
1/8" = 1'-0"



2 WEST ELEVATION
1/8" = 1'-0"

ROWHOUSE ARCHITECTS

one north pack square
asheville, north carolina
28801
T1 828.281.2344
T2 828.231.1931

A FAMILY LODGE on BILTMORE AVE

BILTMORE AVE

129 BILTMORE AVE
ASHEVILLE, NC

Release / Revision Dates

No.	Description	Date

Permit Submittal Date

NA

Sheet Title

FLOOR PLANS & ELEVATIONS

A8.0

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334

335
Exh C
8 of 9

NOTATION KEY

ISOL	DESCRIPTION
1 Ref A101 Ref 1 Ref	EXTERIOR ELEVATION VIEW & SHEET #
1 Ref A101 Ref 1 Ref	INTERIOR ELEVATION VIEW & SHEET #
1	COMPONENT TYPE
1	DOOR TYPE
200 36 2 18	EGRESS DOOR TAG
1	WINDOW TYPE
5 9 sample comment 101 Room name 1	ROOM NAME, #, AND FLOOR FINISH
1 SIM 101	BUILDING SECTION VIEW & SHEET #
1 SIM 101	WALL SECTION VIEW & SHEET #
	CLG. HEIGHT
	WALL TYPE
SIM 101	ENLARGED DETAIL OR CALLOUT

OR LEGEND

- CASED OPENING (EXISTING WOOD TRIM SURROUND)
- DOUBLE DOOR
- TRIM TO PLAN IS LOST LOCATIONS
- SINGLE DOOR (NEW DOORS DO NOT HAVE THE HISTORIC TRIM)
- POCKET DOOR
- INTERIOR WOOD SLIDER

RTITION KEY

- UNRATED WALL SEE SHEET A4.0 FOR WALL TYPES (BATHROOM / BEDROOM WALLS AND CEILINGS INSULATED)
- 2 HOUR RATED WALL SEE SHEET A4.0 FOR WALL TYPES
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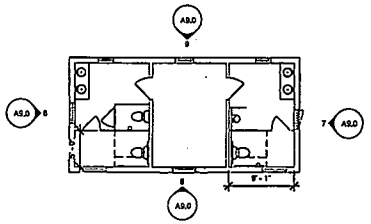
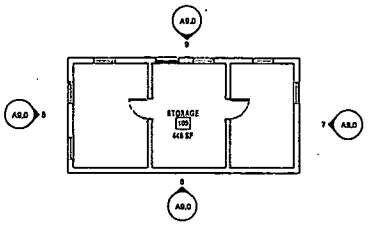
- 1/2 HOUR RATED DEMISING WALL SEE SHEET A4.0 FOR WALL TYPES

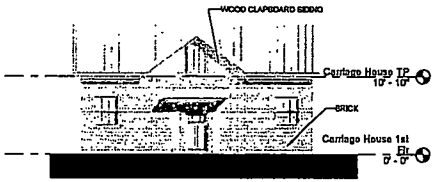
TE: RUNS GREATER THAN 30' IN LENGTH
UIRE A CONTROL JOINT.



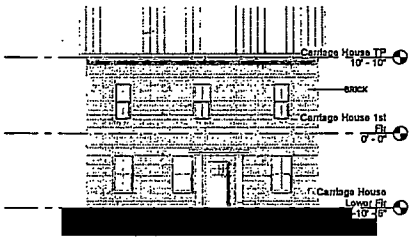
2 CARRIAGE HOUSE - 1ST FLOOR PLAN
1/8" = 1'-0"



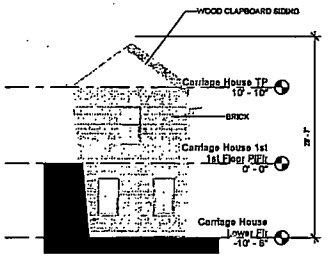
3 CARRIAGE HOUSE - LOWER FLOOR PLAN
1/8" = 1'-0"



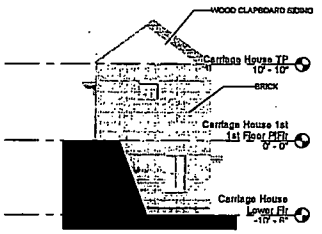
6 EAST ELEVATION (CARRIAGE HOUSE)
1/8" = 1'-0"



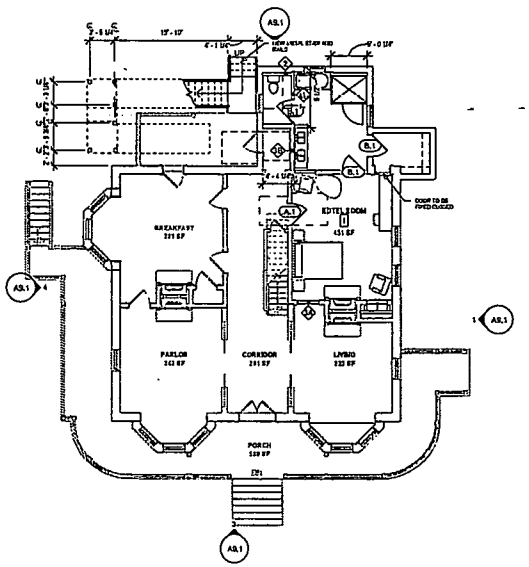
9 WEST ELEVATION (CARRIAGE HOUSE)
1/8" = 1'-0"



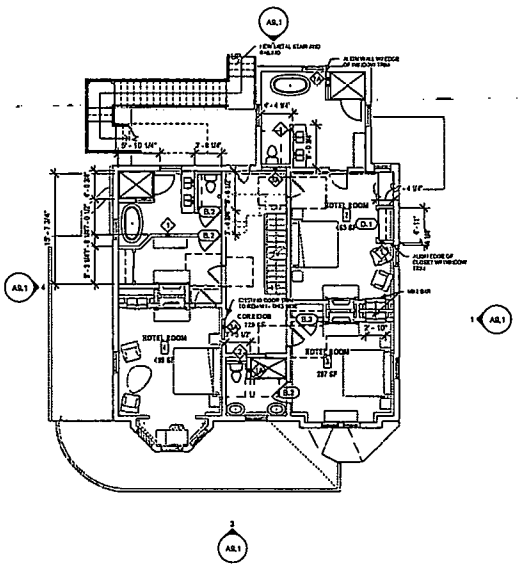
8 SOUTH ELEVATION (CARRIAGE HOUSE)
1/8" = 1'-0"



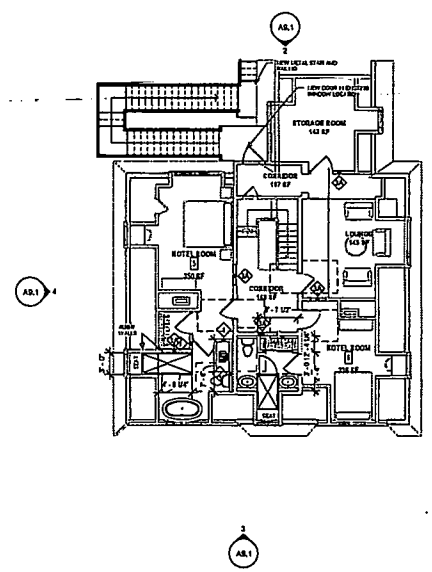
7 NORTH ELEVATION (CARRIAGE HOUSE)
1/8" = 1'-0"



1 1ST FLOOR PLAN
1/8" = 1'-0"



4 2ND FLOOR PLAN
1/8" = 1'-0"



ROWHOUSE ARCHITECTS
one north pack square
asheville, north carolina
28801
T1 828.281.2344
T2 828.231.1931

A FAMILY LODGE on BILTMORE AVE
BILTMORE AVE
137 BILTMORE AVE
ASHEVILLE, NC

Release / Revision Dates

No.	Description	Date

Permit Submittal Date
NA

Sheet Title
FLOOR PLANS & ELEVATIONS

A9.0

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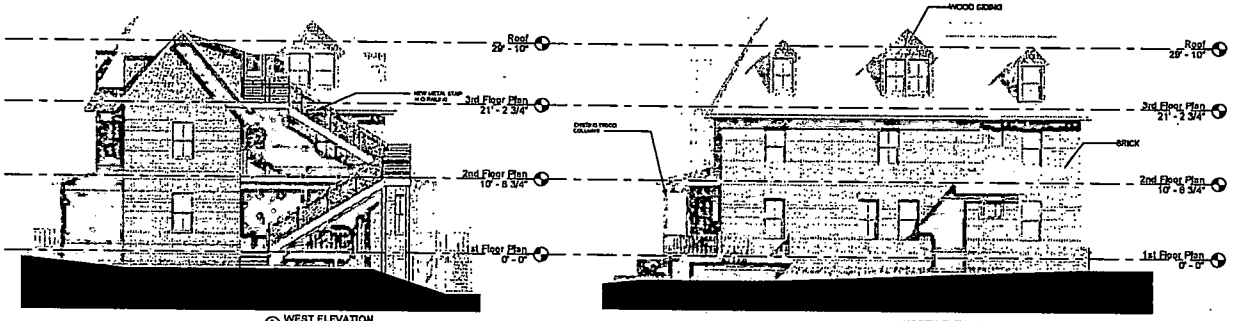
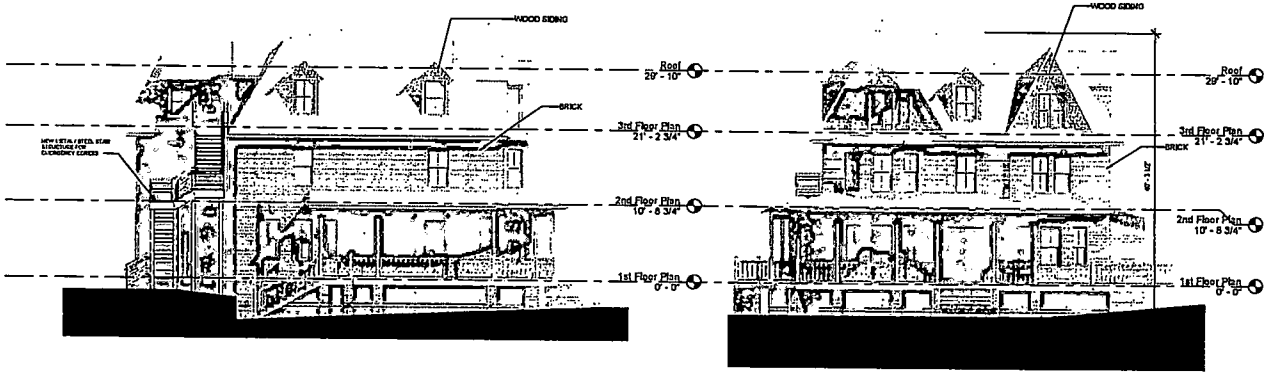
Exh C 9 of 9



2 WEST ELEVATION
1/8" = 1'-0"

1 NORTH ELEVATION
1/8" = 1'-0"



4 SOUTH ELEVATION
1/8" = 1'-0"

3 EAST ELEVATION
1/8" = 1'-0"

ROWHOUSE ARCHITECTS

one north pack square
asheville, north carolina
28801

T1 828.281.2344
T2 828.231.1931

A FAMILY LODGE on BILTMORE AVE

BILTMORE AVE

137 BILTMORE AVE
ASHEVILLE, NC

Release / Revision Dates

No.	Description	Date

Permit Submittal Date

NA

Sheet Title

BUILDING ELEVATION

A9.1

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336

ORDINANCE NO. 4736

ORDINANCE AMENDING CHAPTER 7 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE TO AMEND SUBDIVISION, HISTORIC PRESERVATION OVERLAY DISTRICT & CERTIFICATES OF APPROPRIATENESS STANDARDS TO REQUIRE REVIEW OF NEW LOTS IN PROPOSED SUBDIVISIONS OF PROPERTY LOCATED IN HISTORIC OVERLAY DISTRICTS OR OF LAND DESIGNATED AS A LOCAL HISTORIC LANDMARK BY THE HISTORIC RESOURCES COMMISSION

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety, and welfare; and

WHEREAS, N.C.G.S. 160A-371 specifically authorizes a city to regulate the subdivision of land within its territorial jurisdiction and to provide for different review procedures for differing classes of subdivisions; and the City of Asheville has determined that proposed subdivisions within historic districts or on historic landmark property constitute a different class of subdivision that requires an additional review procedure; and

WHEREAS, the Unified Development Ordinance (Chapter 7 of the City Code of Ordinances) provides standards for major and minor subdivision review and approval, historic preservation overlay districts, and certificates of appropriateness, which should be expanded and updated to be consistent with city goals and plans; and

WHEREAS, this Ordinance is determined to be reasonable, in the public interest, and is consistent with the Comprehensive Plan in the following ways:

(1) Supports contextually appropriate infill development; and (2) protects distinct neighborhood characteristics by ensuring congruity with historic district overlay and local historic landmark standards and guidelines;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1: Chapter 7 of the Code of Ordinances of the City of Asheville is hereby amended as follows:

Section 7-5-8 Subdivision Plat Approvals.

a. **Sec. 7-5-8(a)(3) is amended in the following way:**

d. *Review and action at TRC.* The preliminary plat of a proposed major subdivision shall first be reviewed by the designated staff for compliance with the subdivision regulations and other applicable provisions. Unless required to be reviewed by the HRC as set forth in subsection (e) below, the designated staff shall then present the preliminary plat to the TRC at the next regular meeting of the TRC following receipt of the application. Review of the preliminary plat by the TRC will be ministerial in nature, and limited to compliance with the

regulations set forth in this UDO. The TRC may vote to approve, approve with conditions, or deny the preliminary plat. The preliminary plat decision is considered final on the date the TRC renders its decision.

Once the preliminary plat is approved, the applicant may proceed with infrastructure construction and final plat approval in accordance with such approval. If the preliminary plat is not approved, the TRC shall set forth in writing the reasons for denying approval of the plat.

e. *Historic overlay districts and local historic landmarks.* All lots of proposed subdivisions located in a historic overlay district or of land designated as a local historic landmark shall be reviewed by the Historic Resources Commission ("HRC") for issuance of a preliminary approval to ensure that any potential development on the proposed subdivided lot(s) that would require a certificate of appropriateness would be not be incongruous with the special character of the historic district and/or local historic landmark in terms of building setback, orientation and consistency with the historic development pattern. HRC approval shall precede TRC review, if applicable. The process for HRC review of proposed subdivisions and preliminary approval shall be quasi-judicial; decisions shall be made based on the applicable ordinances and historic guidelines. Subsequent to final subdivision approval, a separately issued certificate of appropriateness(s) will be required for any proposed construction and/or actual site development (if not included as part of the initial subdivision review) prior to issuance of building and zoning permits in accordance with Section 7-5-11 of the City Code.

f. *Approvals.* Approval of the preliminary plat for major subdivisions shall be valid for two years from the date of approval by the TRC. The final plat for the major subdivision shall be presented for approval prior to the end of this two-year period. Phased subdivisions shall be exempt from this time limit as set forth in this section, but are instead subject to the phasing schedule appearing in the approved preliminary plat. The applicant may request, in writing, adjustments of the approved schedule and the designated staff may grant extensions of up to 12 months for each phase.

b. Sec. 7-5-8(a)(3)(f) is amended in the following way:

f. *Approvals.* Approval of the preliminary plat for major subdivisions shall be valid for two years from the date of approval by the TRC. The final plat for the major subdivision shall be presented for approval prior to the end of this two-year period. Phased subdivisions shall be exempt from this time limit as set forth in this section, but are instead subject to the phasing schedule appearing in the approved preliminary plat. The applicant may request, in writing, adjustments of the approved schedule and the designated staff may grant extensions of up to 12 months for each phase. An HRC issued subdivision preliminary approval shall be valid for two (2) years from the date of approval by the HRC.

c. Sec. 7-5-8(b) is amended in the following way:

(4) Staff review. Unless review by the HRC is required by subsection (5) below, the plat for a proposed minor subdivision shall be reviewed by the designated staff for compliance with these subdivision regulations and other applicable provisions. The review shall also include compliance by the plat with other ordinances and regulations of the City of Asheville.

Provided the application is complete, the planning and development director shall take action on the plat of the proposed minor subdivision within ten working days of its submittal. Following approval, the applicant shall record the plat for a minor subdivision in accordance with this subsection.

(5) *Historic overlay districts and local historic landmarks.* All lots of proposed subdivisions located in a historic overlay district or of land designated as a local historic landmark shall be reviewed by the HRC for issuance of a preliminary approval to ensure that any potential development on the proposed subdivided lot(s) that would require a certificate of appropriateness would not be incongruous with the special character of the historic district and/or local historic landmark in terms of building setback, orientation and consistency with the historic development pattern. HRC approval shall precede TRC review, if applicable. The process for HRC review of proposed subdivisions and preliminary approval shall be quasi-judicial; decisions shall be made based on the applicable ordinances principles and historic guidelines. Subsequent to subdivision final approval, a separately issued certificate of appropriateness(s) will be required for any proposed construction and/or actual site development (if not included as part of the initial subdivision review) on the lot(s) prior to issuance of building and zoning permits in accordance with the provisions of Sec. 7-5-11 of the City Code.

(6) *Public notification.* No public notification is required for minor subdivision review.

(7) *Final plat approval.*

a. *Recordation and signatures.*

1. *Signatures.* Upon approval of a plat for minor subdivisions, the plat shall be signed in the appropriate place by the designated staff and by the owner(s).

2. *Recordation.* A plat for minor subdivisions must be recorded in the office of the Register of Deeds for Buncombe County in compliance with the North Carolina General Statutes within 30 days following approval by the city. No plat shall be considered finally approved until the plat has been recorded. No lots in a subdivision shall be sold prior to approval by the city and recording of a plat for the subdivision.

(c) *Fees.* For all categories of subdivision, fees as established by the City of Asheville Fees and Charges Manual shall be due and payable when the application is submitted.

(d) *Appeals.* All appeals from preliminary and final plat approvals shall be to Buncombe County Superior Court in accordance with state law.

(e) *Violations.* Violations of the provisions of this section shall be subject to the enforcement and penalty provisions set forth in article XVIII of this chapter.

Section 7-5-11 Certificate of Appropriateness.

d. Sec. 7-5-11(a)(3-10) are amended in the following way:

(3) *Application submittal.*

a. *Filing of application.* An application, along with the adopted design guidelines, for minor works review will be made available or supplied by designated city staff. A completed application and required information shall be filed with the development services department to begin the review process.

[item (b) remains unchanged]

c. *Information required.* Each application for a minor works certificate of appropriateness shall include the information for the application type as listed on the application checklist.

(4) *Staff review.* The director of historic resources or his or her designee shall review the application for compliance with the principles and guidelines applicable to the historic district and/or local historic landmark within 10 working days.The review may include a meeting with the applicant at the site of the proposed work. If the proposed minor work is consistent with the applicable design review guidelines, the director or his or her designee shall issue a certificate of appropriateness for the work.

(6) *Formal review.* No formal review of a request for a minor works certificate of appropriateness is required unless an appeal of the decision of the director is taken to the Historic Resources Commission ("HRC").

(8) *Appeals.* An appeal of the decision of the director of historic resources regarding approval or disapproval of an application for a minor works certificate of appropriateness shall be heard by the HRC. The appeal must be made in writing within 30 days of receipt by the applicant of the written decision of the director of the HRC.

(9) *Certificate of appropriateness validity.* A minor works certificate of appropriateness shall be valid for one year following approval. If work on the project has not begun prior to expiration of the certificate of appropriateness, the applicant shall be required to resubmit the project to development services for review by the director of historic resources or his or her designee.

(10) *Violations.* Violations of the provisions of this section 7-5-11 shall include, but not be limited to, failure to obtain a minor works certificate of appropriateness in accordance with the requirements set forth above and/or failure to comply with the terms of a minor works certificate of appropriateness once it has been issued. Discontinuance of work in accordance with the minor works certificate of appropriateness or lack of progress toward completion of the work for a period of 90 days shall constitute a violation of this section 7-5-11. Determination of discontinuance of work or lack of progress on such work shall be decided in the sole discretion of the planning and development director and/or director of historic resources. Violations shall be subject to the enforcement and penalty provisions set forth in article XVIII of this chapter.

e. Sec. 7-5-11(b)(1-9)are amended in the following ways:

(b) *Major works.*

(1) *Purpose.* A major works certificate of appropriateness is required for those projects which involve new construction; a change in the appearance of a building, structure, or landscape; demolition of a building or structure; relocation of a building or structure; or any other work which is more substantial in nature than work for which a minor works certificate of appropriateness is required. Buildings, structures and grounds located within local historic districts require certificates of appropriateness, which certify that the proposed changes are not incongruous with the historic character of the local historic district. The procedures for applying for and receiving a certificate of appropriateness for a major work are set forth in this section.

(2) *Pre-application procedure.* A pre-application conference is required prior to applying for a certificate of appropriateness for a major work. Applicants should call or visit department staff to

discuss proposed design changes and to schedule a pre-application conference to review the major work application.

(3) *Application submittal.*

a. *Filing of application.* An application, along with the adopted design guidelines, for major works review will be made available or supplied by designated city staff. A completed application and required information shall be filed with the Development Services Department at least fourteen (14) days prior to the HRC meeting at which the request is to be heard.

b. *Fees.* For all major work certificates of appropriateness, fees as established by the City of Asheville Fees and Charges Manual shall be due and payable when the application is submitted.

c. *Information required.* Each application for a major works certificate of appropriateness shall include the information for the application type as listed on the application checklist. The HRC may refuse to consider or table an application if it determines that insufficient information has been provided by the applicant.

(4) *Staff review.* Upon receipt of an application for a major work certificate of appropriateness, the director of the department or his or her designee shall review the application to ensure that it is complete. Following the review, the application shall be scheduled for review by the HRC.

(5) *Public notification.* Notice of public hearings or public meetings required under this section for major works certificates of appropriateness approval shall be provided in accordance with the provisions of section 7-5-20 of this chapter and in accordance with the Rules of Procedure for the HRC. Posting of sites as set forth in section 7-5-20 is not required for major works certificates of appropriateness applications.

(6) *Formal review.* All applications for major work certificates of appropriateness shall be considered by the HRC. The request shall be scheduled for review at the next available regular meeting of the HRC. The HRC shall use the applicable principles and guidelines in its review of all applications for certificates of appropriateness. The hearing shall be conducted pursuant to the rules of procedure established by the commission and according to the requirements of the North Carolina General Statutes. The HRC then shall take action to approve, approve with modifications, or disapprove the application. The HRC shall cause to be entered into the minutes of its meeting the reasons for its action. In cases where the historic resources commission deems it necessary, it may hold a public hearing concerning the application. The HRC may, at its discretion, view the premises and obtain additional facts concerning any application, and may seek the advice of the North Carolina Department of Cultural Resources or other expert advice as it may deem necessary. The HRC must issue or deny a certificate of appropriateness within 95 days after filing of the application, except when the time limit has been extended by mutual agreement between the applicant and the HRC. If the application is approved, the secretary of the HRC shall transmit, in writing, a certificate of appropriateness, clearly describing the nature of the work which has been approved. The secretary shall attach a copy of the minutes of the meeting at which the approval was granted and a placard form of a certificate of appropriateness, which shall be displayed on the project site. If an application is denied, a letter stating the reason for the denial shall be mailed to the applicant.

(8) *Appeals.* An appeal of the decision of the HRC regarding approval of an application for a major works certificate of appropriateness shall be heard by the board of adjustment (BOA) in the nature of certiorari. The appeal must be made in writing and filed with the BOA within 30 days of receipt by the applicant of the letter stating the action taken by the HRC.

(9) *Certificate of appropriateness validity.* A major work certificate of appropriateness shall be valid for one year following approval. If work on the project has not begun prior to expiration of the

certificate of appropriateness, the applicant shall be required to resubmit the project to development services for review by the director of historic resources or his or her designee.

(10) *Violations.* Violations of the provisions of this section 7-5-11 shall include, but not be limited to, failure to obtain a major works certificate of appropriateness in accordance with the procedures set forth above and/or failure to comply with the terms of a major works certificate of appropriateness once it has been issued. Discontinuance of work in accordance with the major works certificate of appropriateness or lack of progress toward completion of the work for a period of 90 days shall constitute a violation of this section 7-5-11. Determination of discontinuance of work or lack of progress on such work shall be decided in the sole discretion of the planning and development director and/or director of historic resources. Violations shall be subject to the enforcement and penalty provisions set forth in article XVIII of this chapter.

Section 7-9-2 Historic Preservation Overlay District.

f. Sec. 7-9-2 is amended in the following way:

Sec. 7-9-2. - Historic Preservation Overlay District.

(a) *Purpose.* Local historic districts are hereby deemed important assets of the City of Asheville. The historic districts are established for the purpose of protecting and conserving the heritage of the City of Asheville, Buncombe County and the State of North Carolina; for the purpose of safeguarding the character and heritage of the historic districts by preserving the historic districts as a whole and individual property therein that embodies important elements of its social, economic, cultural, political, archeological or architectural history; for the purpose of promoting the conservation of such historic districts for the education, pleasure and enrichment of the residents of the historic districts, the City of Asheville, Buncombe County, and the State of North Carolina as a whole; for the purpose of fostering civic beauty; and for the purpose of stabilizing and enhancing property values throughout the historic districts as a whole; thereby contributing to the improvement of the general health and welfare of the City of Asheville and the residents of the historic districts.

(b) *Establishment of the historic districts.* Pursuant to N.C. Gen. Stat. sec. 160A-400. 4, local historic districts are hereby established as districts which overlay the general use zoning districts, the extent and boundaries of which historic districts are indicated on the official zoning maps for the City of Asheville. The city hereby re-adopts and designates as historic districts those historic districts described in Appendix 7E of this chapter. Additional local historic districts may be established following the required statutory procedure.

(c) *Historic district commission.* The Asheville-Buncombe Historic Resources Commission ("HRC") established by the City of Asheville in Ordinance No. 1109, and by the County of Buncombe in Ordinance No. 1644, shall constitute a joint preservation commission and shall have the powers of a joint preservation commission as set forth in Part 3C of article 19 of Chapter 160A of the North Carolina General Statutes, or its successor.

(d) *Permitted uses.* The historic districts contain several zoning classifications. All uses permitted in each of the zoning districts shall be permitted in the historic district pursuant to the requirements set forth in that zoning classification. Provided, however. when the provisions of this section 7-9-2, and the guidelines and regulations promulgated hereunder, impose higher standards than are required for that zoning classification, the provisions of this section, and the regulations and guidelines promulgated hereunder, shall govern.

(e) *Compliance with requirements.* Structures within the historic districts shall meet all requirements and standards of article VIII of this chapter in addition to those set forth in this section. Provided, however, no structure or part thereof within the historic districts shall extend nearer to or be required to be set back further from the front property line than the arithmetic mean distance of the setbacks of the nearest principal building within 150 feet on each side of such building and fronting on the

same side of the street. Additionally, proposed subdivisions within historic districts must be reviewed by the HRC as part of the overall subdivision review process in accordance with article XV of this chapter.

(f) *Authentic restoration and reconstruction.*

(1) Authentic restoration or reconstruction is permitted, subject to approval of the HRC, even though the authentic restoration or reconstruction does not meet with current setback and other requirements and standards of article VIII of this chapter. Authentic restoration or reconstruction shall mean exact replication of an historic structure to include, but not limited to siting, scale, massing, and materials of structure. Where it is found by the HRC that an application for a building permit covers activity consisting of an authentic restoration or reconstruction in the same location as the original location and in the original structural conformation for a structure of historic and/or architectural significance to the historic district, such activity may be approved by the HRC.

(2) The board of adjustment hears requests for variances from the requirements for setback and other standards established by article VIII of this chapter.

a. The board of adjustment, may attach reasonable and appropriate conditions to the granting of such variances so that the public health, safety, and general welfare shall be protected.

b. The board of adjustment shall not be authorized, in action undertaken by this subsection, to approve a use of property which is not permitted by right within the zoning district in which the property is located.

(g) *Parking waiver.* Where the HRC, in considering an application for a certificate of appropriateness, shall find that the number of off-street parking spaces required by zoning regulations for a building or structure for which a building permit is requested would render the building incongruous with the historic aspects of the historic district, it may recommend to the board of adjustment that a variance be granted from the off-street parking requirements.

The board of adjustment may authorize a lesser number of off-street parking spaces provided the board finds, in addition to the required findings for granting a variance, as follows:

(1) That the reduced number of spaces will not create problems due to increased on-street parking; and

(2) That the reduced number of spaces will not constitute a threat to the public safety.

(h) *Certificate of appropriateness.*

(1) From and after the designation of a historic district, no exterior portion of any building or other structure (including masonry walls, fences, light fixtures, steps, pavement, landscape and color or other appurtenant features), nor above ground utility structure, nor any type of outdoor advertising sign shall be erected, altered, restored, moved or demolished within such historic district until after an application for a certificate of appropriateness has been submitted to and approved by the HRC. Further, no archeological resource associated with such a structure or building shall be altered, moved, or removed within such historic district until after an application for a certificate of appropriateness as to the archeological evidence has been submitted to and approved by the HRC.

No building permit granted for the purposes of constructing, altering, moving, or demolishing structures within the historic districts shall be issued prior to the issuance of a certificate of appropriateness by the HRC.

A certificate of appropriateness may be issued subject to reasonable conditions to carry out the purposes of this section. A certificate of appropriateness shall be required whether or not a building permit

is required. Any building permit or such other permit not issued in conformity with this section shall be invalid.

For the purpose of this section, "exterior features" shall include the architectural style, general design, and general arrangement of the exterior building or other structure, including the kind, texture and color of the building materials, the size and scale of the building, and the type, color and style of all windows, doors, light fixtures, signs and other appurtenant fixtures and important landscape and natural features of the lot on which the building or other structure is located. In the case of outdoor advertising signs, "exterior features" shall be construed to mean the style, material, size, and location of all such signs.

The HRC shall have no jurisdiction over interior arrangement and shall take no action under this section except for the purpose of preventing the construction, reconstruction, alteration, restoration, moving, or demolition of buildings, structures, appurtenant fixtures, outdoor advertising signs, or other significant features in the historic district which would be incongruous with the special character of the historic district.

(2) Nothing in this section shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature in the historic district which does not involve a substantial change in design, material, or outer appearance thereof, nor to prevent the construction, re-construction, alteration, restoration, or demolition of any such feature which the chief building inspector of his designee shall certify in writing to the HRC is required by the public safety because of an unsafe or dangerous condition.

(3) An application for a certificate of appropriateness authorizing the relocation, demolition, or destruction of a building or structure or the removal or obliteration of an archeological resource within the historic district may not be denied except for as set forth hereinafter. However, the effective date of such a certificate may be delayed for a period of up to 365 days from the date of approval of the certificate of appropriateness. The maximum period of delay authorized by this subsection shall be reduced by the HRC where it finds that the owner would suffer extreme hardship or be permanently deprived of all beneficial use of or return from such property by virtue of the delay. During such period the HRC may negotiate with the owner and with any other parties in an effort to find a means of preserving the building, structure of site. If the HRC finds that the building, structure or site has no special significance or value toward maintaining the character of the historic district, it shall waive all or part of such period and authorize earlier demolition or removal.

If the HRC has voted to recommend designation of an area as a historic district, and final designation has not been made by the city council, the demolition or destruction of any building, structure, or site located in the proposed historic district may be delayed by the HRC for a period of up to 180 days or until the city council takes final action on the designation, whichever occurs first.

It shall constitute a violation of this chapter by the property owner where any building or structure which is located within a historic district is subject to demolition due to neglect; provided, however, where the property owner can show evidence of undue economic hardship satisfactory to the HRC, no violation shall be deemed to have occurred.

An application for a certificate of appropriateness authorizing the demolition or destruction of a building, structure, or site determined by the state historic preservation officer, or his/her successor, as having statewide significance as defined in the criteria of the National Register of Historic Places may be denied except where the HRC finds that the owner would suffer extreme hardship or be permanently deprived of all beneficial use or return by virtue of the denial.

The procedures for obtaining a certificate of appropriateness are set forth in section 7-5-12 of this chapter.

g. Sec. 7-9-2(h)(1) is amended add an additional sentence to read as follows:

(h) *Certificate of appropriateness.*

(1) From and after the designation of a historic district, no exterior portion of any building or other structure (including masonry walls, fences, light fixtures, steps, pavement, landscape and color or other appurtenant features), nor above ground utility structure, nor any type of outdoor advertising sign shall be erected, altered, restored, moved or demolished within such historic district until after an application for a certificate of appropriateness has been submitted to and approved by the HRC. Further, no archeological resource associated with such a structure or building shall be altered, moved, or removed within such historic district until after an application for a certificate of appropriateness as to the archeological evidence has been submitted to and approved by the HRC. Further, no subdivision of land within an historic district shall be approved until it has been reviewed and approved in accordance with the provisions of section 7-5-8 of this chapter. This provision shall not apply to subdivisions which are exempted pursuant to section 7-15-1 of this chapter.

Section 7-15-1 Subdivisions.

h. Sec. 7-15-1(b)(3) is amended to read as follows:

(3) *Effect of certification of exemption.* Divisions of land found to be exempt from the definition of subdivision are not required to meet the city's subdivision regulations. However, a building or zoning permit may only be issued with respect to a lot that has been created by an exempt division if said lot meets the standards for development set forth elsewhere in this chapter, including but not limited to historic overlay district or local historic landmark guidelines and regulations. Where a regulation is contained both in this article and elsewhere in this chapter, although the regulation need not be met prior to property division and recordation, the lot in question must comply with said regulation before a building or zoning permit may be issued for the property.

i. Sec. 7-15-1(i)(1) is amended to read as follows:

(i) *Subdivision standards.* All proposed subdivisions must meet the following standards:

(1) *Lots.* All lots shall conform to the following:

a. *Conformance to other regulations.* Every lot shall conform with all city ordinances, including but not limited to, regulations governing area, dimensions, street access, and historic overlay district and local historic landmark guidelines and regulations.

j. Sec. 7-15-1(i)(11) is amended by inserting new subsection "(11)" to read as follows and renumber subsection "11" to "12" and subsection "12" to "13":

(11) *Historic overlay district development and local historic landmarks.* All proposed subdivisions located within a local historic district or of land designated as a local historic landmark shall be subject to review and preliminary approval by the Historic Resources Commission ("HRC") as set forth in section 7-5-8. The preliminary approval will be granted if the HRC determines that

the proposed subdivision would allow for new development features, at minimum, to be built in a manner that is congruous with the special character of the historic district and/or landmark as it relates to building setbacks, orientation and consistency with the historic development pattern.

(12) *Electrical utilities.* Electrical lines shall be installed underground unless inconsistent with flood protection requirements.

(13) *Placement of monuments.* The Standards of Practice for Land Surveying in North Carolina, as adopted by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors, shall apply when conducting surveys.

Section 2: If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 3: All ordinances or parts of ordinances in conflict are hereby repealed to the extent of such conflict.

Section 4: This ordinance will become effective upon adoption.

Read, approved, and adopted this the 26th day of March , 2019.

Magdalen Bourleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bourleson
City Clerk

ORDINANCE NO. 4737

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 26th day of March, 2019.

Magdalen Burleson
City Clerk

Esther E. Manz
Mayor

Approved as to form:

Lolein P. Reckoff
City Attorney

PURPOSE: Lee Walker Heights Redevelopment

348

CITY OF ASHEVILLE

BUDGET AMENDMENT

2017/18	3/12/2019
FISCAL YEAR	EFFECTIVE DATE

Purpose: To fund Lee Walker Heights

Requesting Department: Community and Economic Development

Amendment to: General Capital Projects Fund

	Account	Current Budget	Amended Budget	Increase (Decrease)
Revenues				
11000032-499100	Appropriated Fund Balance	$ 1,505,000	$ 2,885,000	$ 1,380,000
Expenditures				
11090060-800410	Transfer to General Capital Projects Fund	$ 2,005,000	$ 3,385,000	$ 1,380,000
BALANCE				$ -

Magdalen Bowlison
City Clerk

ORDINANCE NO. 4738

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made a part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 9th day of April, 2019.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

PURPOSE: Budget Amendment for the ART Station Solar Array Capital Project for the contract with Sundance Power Systems.

Magdalen Burleson
City Clerk

350

CITY OF ASHEVILLE

BUDGET AMENDMENT

FISCAL YEAR	EFFECTIVE DATE
2018/19	4/9/2019

Purpose: To fund solar installations at the ART Transit Center

Requesting Department: Transportation

Amendment to: General Capital Projects Fund

	Account	Current Budget	Amended Budget	Increase (Decrease)
Revenues				
41000131-498400-B1703	Transfer from Sustainability	$ - .00	$ 230,000.00	$ 230,000.00
Expenditures				
41000131-616102-B1703	Construction	$ - .00	$ 230,000.00	$ 230,000.00
BALANCE				**$ -**

Revision to: Sustainability Fund

	Account	Current Budget	Amended Budget	Increase (Decrease)
Expenditures				
24000016-528013	Contingencies	$ 700,274.00	$ 470,274.00	$ (230,000.00)
24090016-800410	Transfer to General Cap. Projects Fund	$ - .00	$ 230,000.00	$ 230,000.00
BALANCE				**$ - .00**

ORDINANCE NO. 4739

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made a part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 9th day of April, 2019.

Magdalen Bourleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

PURPOSE: U.S. Cellular Center Renovation & HVAC Modernization Project

Magdalen Bourleson
City Clerk

352

CITY OF ASHEVILLE

BUDGET AMENDMENT

FISCAL YEAR	EFFECTIVE DATE
2018/19	3/26/2019

Purpose: To fund USCC HVAC/Boiler Upgrades

Requesting Department: Community and Economic Development

Amendment to: USCC Capital Projects Fund

	Account	Current Budget	Amended Budget	Increase (Decrease)
Revenues				
62600900-499101	Appropriated Fund Balance	$ -	$ 1,200,000	$ 1,200,000
Expenditures				
62690900-800627	Transfer to Civic Center Capital Projects	$ -	$ 1,200,000	$ 1,200,000
BALANCE				**$ -**

ORDINANCE NO. 4740

ORDINANCE ESTABLISHING CONDITIONAL ZONING FOR PROPERTY LOCATED AT 3 AVON ROAD

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this proposed amendment is consistent with the *Living Asheville - A Comprehensive Plan for our Future* and is determined to be reasonable, is in the public interest, and meets the needs of the community for the following reasons:

a) This is an improvement to existing uses in place;
b) The existing zoning and Future Land Use category in place are appropriate and supportive of these community-based uses;
c) Upgrades to parking and landscaping will enhance the site; and,
d) The proposal is aligned with strategies found in the City's comprehensive plan regarding activating the pedestrian experience, siting uses along corridors that are supported by transit, providing spaces available to all members of the community, and upgrading community facilities to serve a growing city population.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

The zoning classification of that certain real property described in Exhibit A and identified on Buncombe County tax maps as PIN(s) 9658.87-7320, and, recorded in Deed Book 0885, Page 0361 and currently owned by the City of Asheville from Community Business I District (CBI) to Community Business I Conditional Zone District (CBI-CZ). A copy of the official zoning map showing said lots is attached hereto as Exhibit "A.1" and made a part hereof. Said rezoning is subject to the conditions set out in Exhibit "B.1", and substantially compliant with the site plan(s)

& building elevations as shown on Exhibit C attached hereto and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. The ordinances shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 5. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 9th day of April, 2019.

Magdalen Bowlesson
City Clerk

Mayor

Approved as to form:

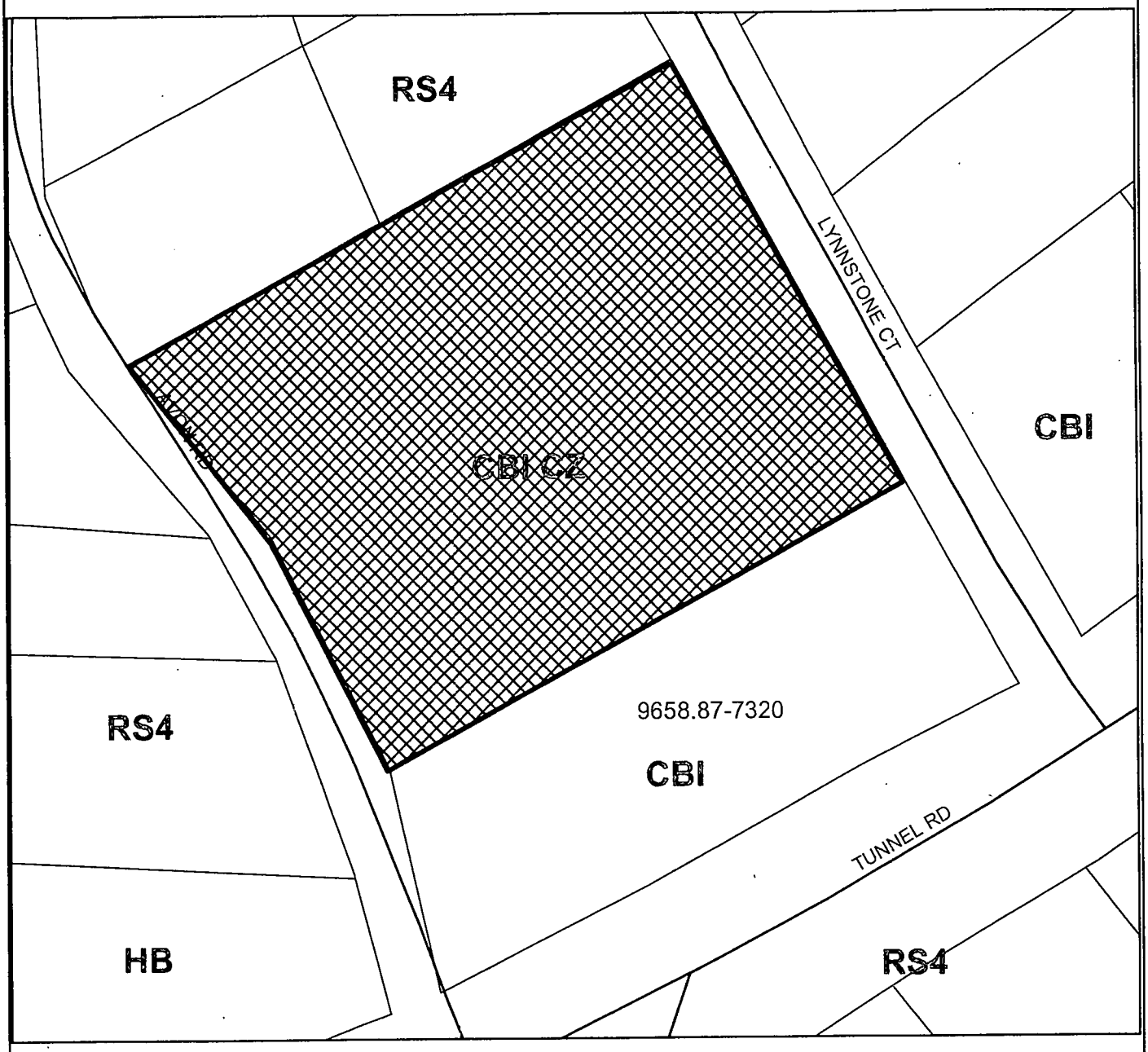
City Attorney

Magdalen Bowlesson
City Clerk

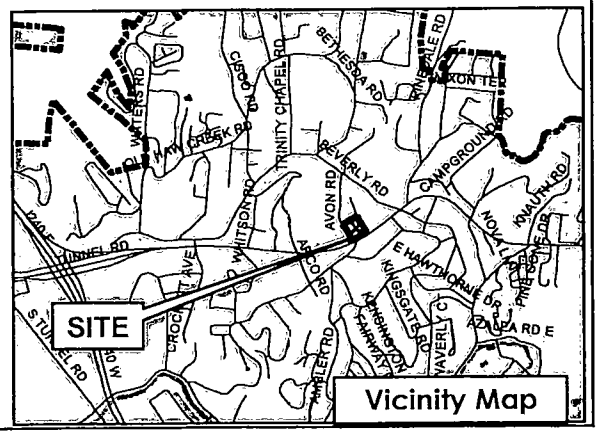
City of Asheville - Exhibit A1 Proposed Zoning Map
Conditional Zoning - East AVL Library Branch

ASHEVILLE

N W E S



Project Name:	Buncombe County East AVL Library
Project Number:	19 - 00216 PZ
Project Description:	CZ from CBI to CBI CZ
Petitioner(s):	Gary Davis
Parcel ID Number(s):	9658-87-7320
Location/Address:	3 Avon Road



Project Site
Parcels
Zoning Districts
Asheville City Limits
Streets
Streams

EXHIBIT B.1 CONDITIONS - 3 AVON ROAD

1. The zoning for the portion of the parcel at 3 Avon Road (PIN 9658.87-7320) is Community Business I Conditional Zone. This excludes the portion of the parcel with the Fire Station.

2. Uses on the site may include the public library and spaces for community use.

3. The new building will be a single-story in height, not more than 15,000 square foot for the footprint and not more than 15,000 square feet of gross floor area (excluding mechanical spaces).

4. There will be two driveways providing access to the vehicular use area, one from Avon Road and one from Lynnstone Court, as shown on site plans incorporated herein by reference. There are a maximum of 50 spaces provided.

5. Open space is provided on the site as shown on site plans incorporated herein by reference. There will be at least 19,000 square feet of open space.

6. The existing basketball courts will remain in their current location and be resurfaced and the existing playground amenity will be relocated within the site with new play equipment provided.

7. New sidewalk (five feet wide behind a grass strip with a minimum five foot width) will be provided along the entire parcel boundary along Lynnstone Court as shown on the site plan incorporated herein by reference.

8. The parking lot will provide approximately 33 feet of channelized storage at Avon Road and approximately 15 feet at Lynnstone Court in the location on the site as shown on site plans incorporated herein by reference.

9. Signage will be permitted separately and will comply with allowances for Community Business I as noted in the UDO.

10. Landscaping will be provided as shown on the landscape plan as incorporated herein by reference with a property line buffer, building impact landscaping, parking lot landscaping, street buffer and street trees. Grading in a portion of the northern property line buffer directly behind the new building will be replanted according to the requirements of 7-11-3 but will have areas where the slope is 2:1 and a portion of the roof overhang will encroach approximately 18 inches into the buffer area.

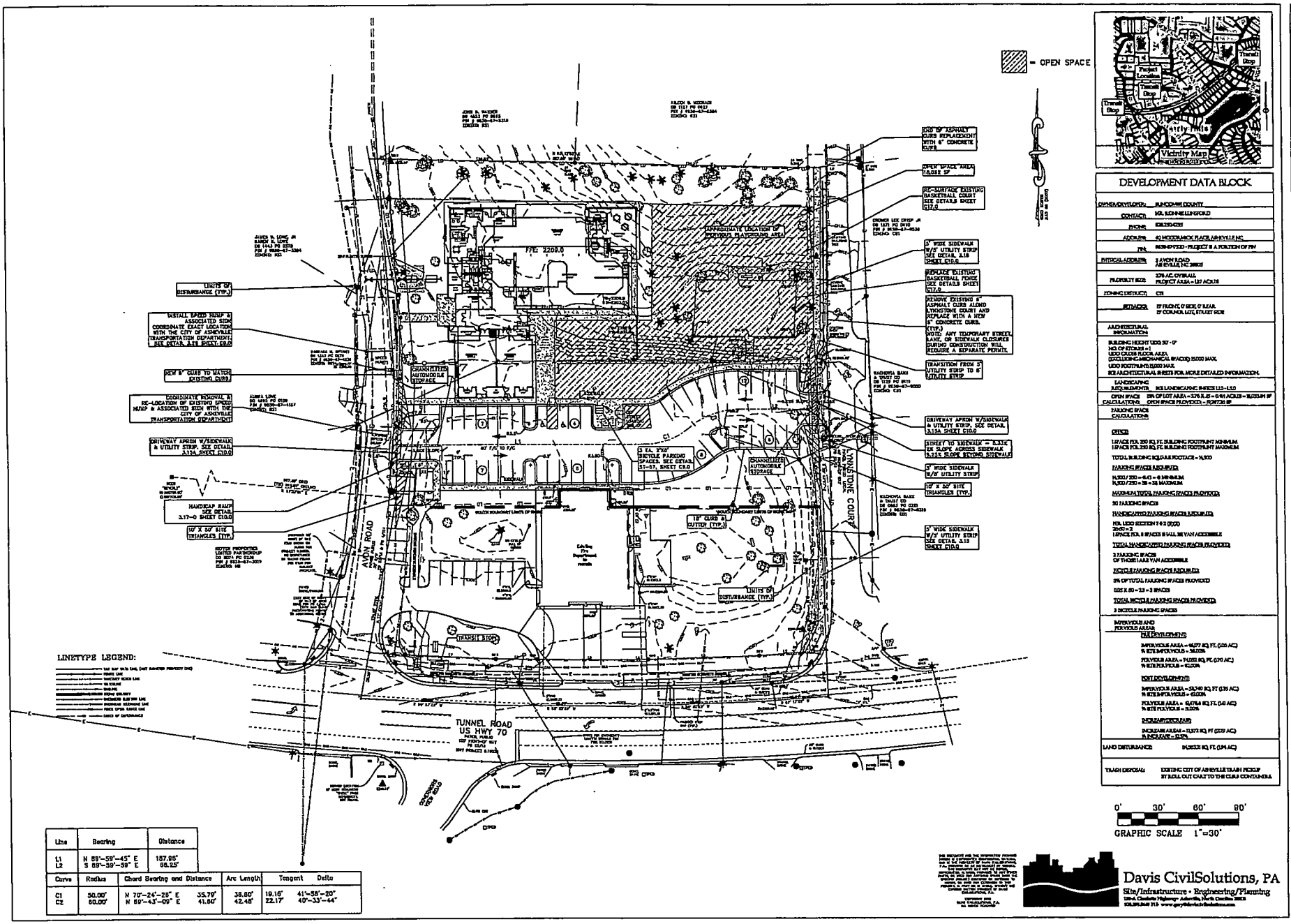
11. The building design, site design and orientation on site must substantially comply with the approved site plan and elevations which are incorporated herein by reference. Any major deviations from these plans will require a rezoning.

12. A full traffic impact assessment is waived and a trip generation estimate has been provided. An enhanced pedestrian crossing at Tunnel Road will be provided at the Petitioner's expense, at a location to be determined through coordination with the City's Transportation Department and North Carolina Department of Transportation. The enhanced pedestrian crossing may include a pedestrian activated signalized crossing maximizing use of the existing emergency access traffic signal as well as minor sidewalk, ramps, and signage/pavement markings are needed. These improvements will be in place prior to CO.

13. All legally required local, state, and federal permits and approvals must be obtained prior to initiation of construction and any pertinent legal requirements shall be met.

14. The conditional zoning will be valid for a period of two years from the date of approval by City Council. If a building permit is not obtained within two years, the approval will no longer be valid.

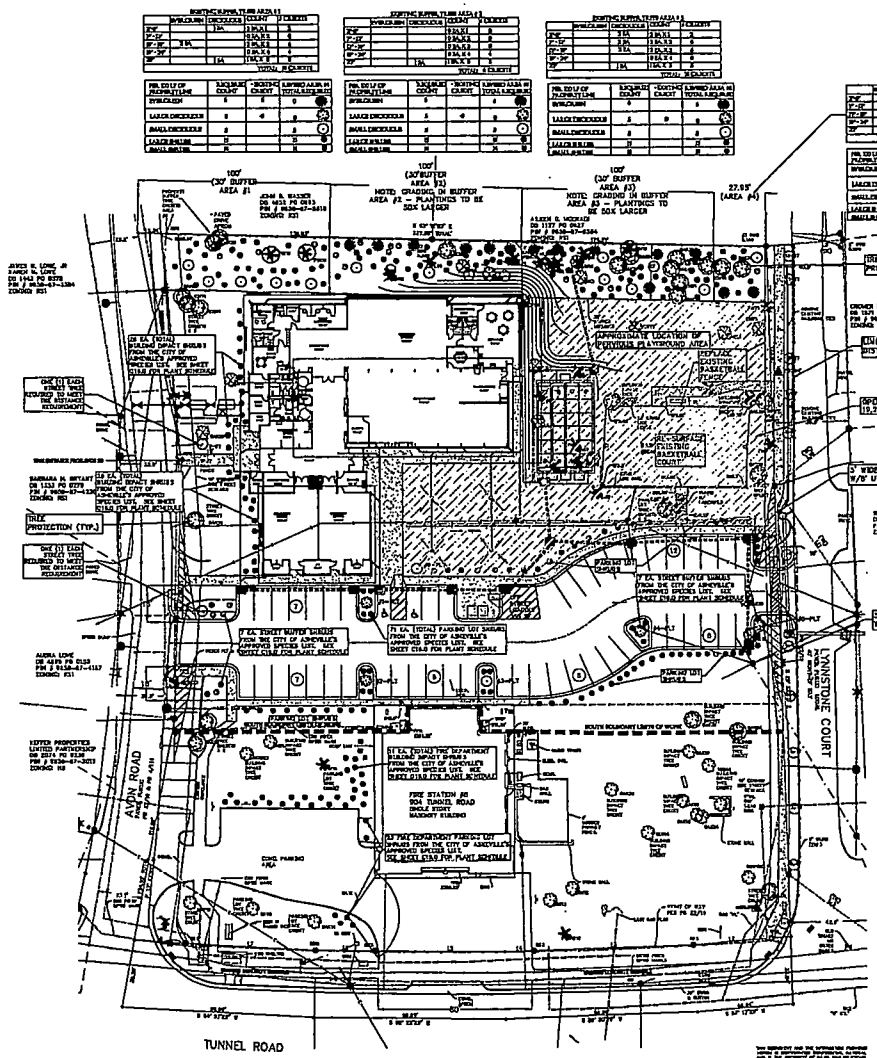
358



Line	Bearing	Distance
L1	N 89°-59'-45" E	157.88'
L2	S 89°-39'-39" E	85.23'

Curve	Radius	Chord Bearing and Distance		Arc Length	Tangent	Delta
C1	50.00'	N 70°-24'-28" E	35.79'	36.60'	19.16'	41°-58'-20"
C2	60.00'	N 89°-43'-09" E	41.80'	42.48'	22.17'	40°-33'-44"

NOTE: SEE SHEET C16.0 FOR LANDSCAPE DETAILS & PLANT SCHEDULE



TOTAL LANDSCAPING REQUIRED AFTER CREDITS & MODIFICATION REQUEST:

PROPERTY BUFFER:
TREES = 27
SHRUBS = 98

STREET BUFFERS:
SHRUBS = 14

BUILDING IMPACT:
TREES = 0
SHRUBS = 39

STREET TREES:
TREES = 13

PARKING LOT:
TREES = 6
SHRUBS = 71

COMBINED TOTALS:
TREES = 46
SHRUBS = 236

0' 30' 60' 90'
GRAPHIC SCALE 1"=30'

Vicinity Map
NOT TO SCALE

DEVELOPMENT DATA BLOCK

OWNER/DEVELOPER:	BUNCOMBE COUNTY
CONTACT:	MR. JOHNNY LUNSFORD
PHONE:	828.250.4234
ADDRESS:	40 WOODFIN PLACE, ASHEVILLE, NC
PIN:	9648-97-5330 - PIN OFFICE IS A PORTION OF PIN
PHYSICAL ADDRESS:	3 AVON ROAD ASHEVILLE, NC 28805
PROPERTY SIZE:	276 AC OVERALL PROJECT AREA = 1.82 ACRES
ZONING DISTRICT:	CBI
SETBACKS:	5' FRONT, 0' SIDE, 0' REAR 15' CORNER LOT, FOLLOW ROB
OPEN SPACE CALCULATIONS:	25% OF LOT AREA = 276 X .25 = 0.69 ACRES = 30,070.84 SF OPEN SPACE PROVIDED = 19,757.26 SF
LANDSCAPING REQUIREMENTS:	BUILDING IMPACT LANDSCAPING: 1 TREE 3 SHRUBS PER 1,000 SQ. FT. BUILDING FOOTPRINT TOTAL PROPOSED BUILDING FOOTPRINT SQUARE FOOTAGE = 15,888 SQ. FT. 15,888 / 1000 = 15.88 15.88 = 16 TREES 15.88 X 3 = 47.76 = 48 SHRUBS TOTAL EXISTING FIRE DEPARTMENT FOOTPRINT SQUARE FOOTAGE = 3,336 SQ. FT. 3,336 / 1000 = 3.34 3.34 = 3 TREES 3.34 X 3 = 10.02 = 10 SHRUBS BUILDING IMPACT LANDSCAPING TOTALS (WITHOUT CREDITS) TREES = 19 SHRUBS = 58

EXISTING TREES	COUNT	# CREDITS
24"	1 EA. X 1	1
21"-23"	0 EA. X 2	0
17"-20"	5 EA. X 3	15
12"-16"	7 EA. X 4	28
12"	3 EA. X 5	15
TOTAL		59 CREDITS

REVISED BUILDING IMPACT LANDSCAPING TOTALS AFTER CREDITS
TREES = 0
SHRUBS = 39

PROPERTY BUFFERS:
WESTERN (NORTH PROPERTY LINE)
6 EVERGREEN TREES
5 LARGE DECIDUOUS
5 SMALL DECIDUOUS
15 LARGE SHRUBS
10 SMALL SHRUBS
PER 100 LF OF PROPERTY LINE
* 50% OF SHRUBS MUST BE EVERGREEN

SEE SHEET L2

PARKING LOT LANDSCAPING:
1 DECIDUOUS TREE
4 SHRUBS
PER 1,500 SQ. FT. VUA

SEE SHEET L3

STREET BUFFERS:
STREET BUFFER:
1 EVERGREEN SHRUB * OR 1 DECIDUOUS SHRUB *
PER 5 LF OF BUFFER
* MUST BE A MIN. 5' IN HEIGHT AT MATURITY

SEE SHEET L4

STREET TREES:
OVERHEAD UTILITIES PRESENT
1 SMALL MATURING
PER 30 LF OF PROPERTY LINE

SEE SHEET L5

Davis CivilSolutions, PA
Site/Infrastructure • Engineering/Planning

pfa architects, p.a.
30 Charlotte Street
Asheville, NC 28801
t 828.254.1943
f 828.253.3227
architecture • planning • interiors

PROGRESS DRAWING
NOT FOR
CONSTRUCTION

BUNCOMBE COUNTY
EAST ASHEVILLE LIBRARY
3 AVON ROAD
ASHEVILLE, NC 28805

Revisions

No.	Date

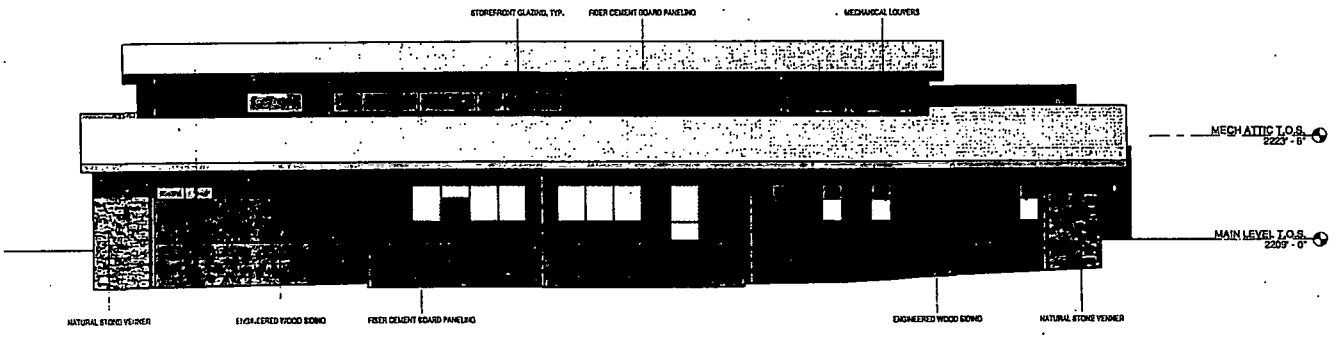
Project Number: 1806
Date: 02/22/19
Drawn by: MSK
Overall & Building Impact Landscaping
Sheet Number: L1.0

359

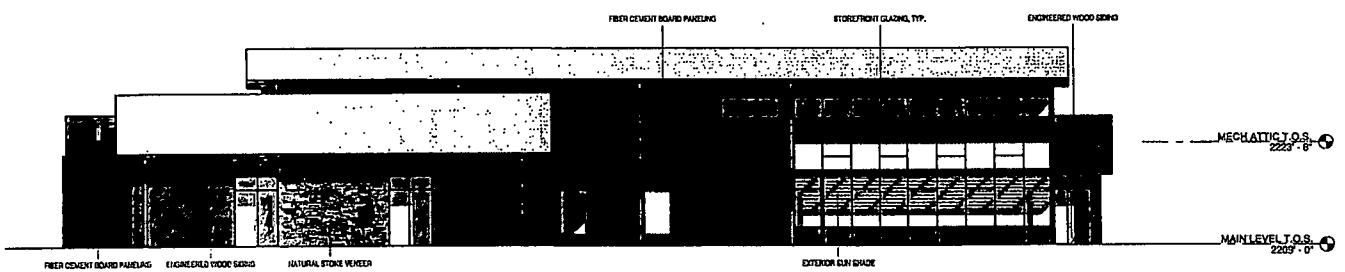
360

DEVELOPMENT DATA BLOCK

PROJECT NAME:	EAST ASHEVILLE LIBRARY
PROPERTY OWNER: OWNER CONTACT:	BUNCOMBE COUNTY MR. RONNIE LUNSFORD 48 MCCORMICK PLACE ASHEVILLE NC 28801 828.253.4233
PROJECT ADDRESS:	3 AVON ROAD ASHEVILLE, NC 28805
DESIGNER CONTACT:	MAGGIE DELAP, AIA PFA ARCHITECTS 196 COXE AVE ASHEVILLE NC 28801 (828) 254-1963 [illegible]@pfaarchitects.com
PIN NUMBER:	9658-87-7320 PROJECT IS A PORTION OF PIN
PROPERTY SIZE:	2.78 AC. OVERALL, PROJECT AREA: 1.67 AC.
ZONING DISTRICT:	CBI
REQUIRED SETBACKS:	15' FRONT, 0' SIDES, 0' REAR 15' CORNER LOT SIDE STREET
BUILDING INFORMATION:	BUILDING HEIGHT UDO: 30' - 0" MAX NO. OF STORIES - 1 UDO GROSS FLOOR AREA (EXCLUDING MECHANICAL SPACES) : 15,000 MAX UDO FOOTPRINT: 15,000 MAX



1 A3.0 NORTH ELEVATION
1/8" = 1'-0"



2 A3.0 SOUTH ELEVATION
1/8" = 1'-0"

196 Coxe Avenue
Asheville, NC 28801
o: 828.254.1963
f: 828.253.3307
w: pfaarchitects.com

pfa architects, p.a.
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PROGRESS DRAWING
NOT FOR
CONSTRUCTION

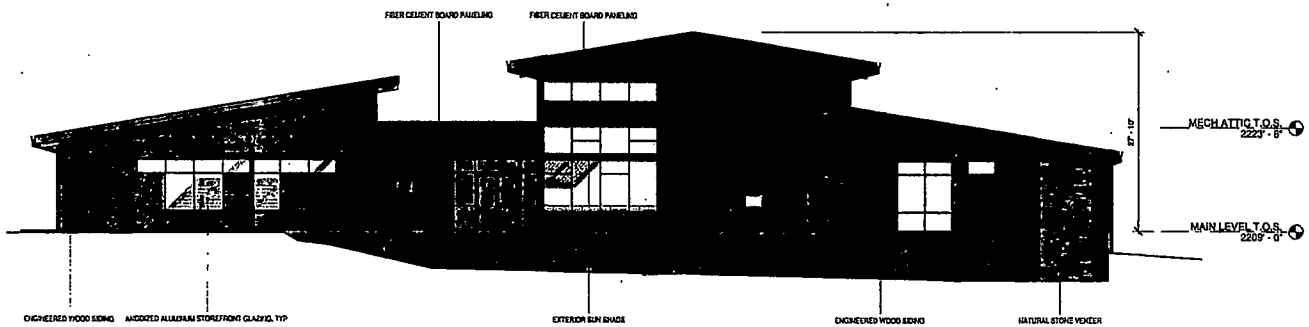
BUNCOMBE COUNTY
EAST ASHEVILLE LIBRARY
3 AVON ROAD
ASHEVILLE NC 28805

Revisions

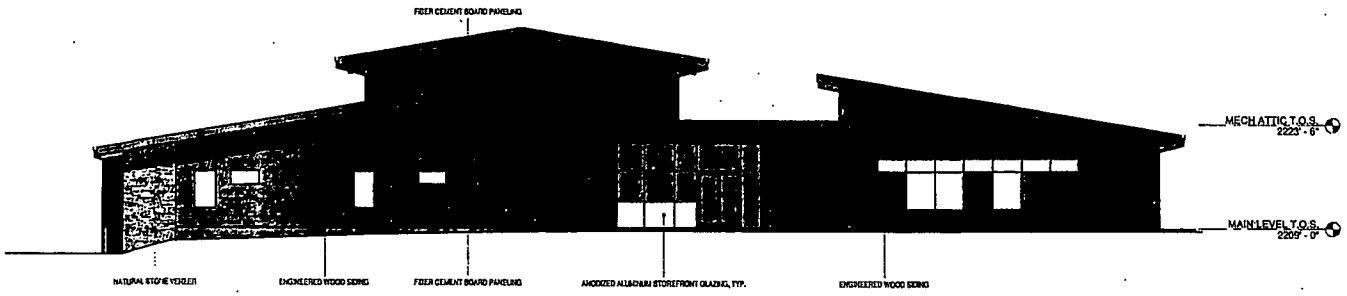
No.	Date

Project Number: 1806
Date: 02/22/19
Drawn by: MAD
ELEVATIONS

Sheet Number:
A3.0



2 A3.1 EAST ELEVATION
1/8" = 1'-0"



1 A3.1 WEST ELEVATION
1/8" = 1'-0"

DEVELOPMENT DATA BLOCK

PROJECT NAME:	EAST ASHEVILLE LIBRARY
PROPERTY OWNER: OWNER CONTACT:	BUNCOMBE COUNTY MR. RONNIE LUNSFORD 40 MCCORMICK PLACE ASHEVILLE NC 28801 828.250.4735
PROJECT ADDRESS:	3 AVON ROAD ASHEVILLE, NC 28805
DESIGNER CONTACT:	MAGGIE DELAP, AIA PFA ARCHITECTS 198 COXE AVE ASHEVILLE NC 28801 (828) 254-1963 mdelap@pfaarchitects.com
PIN NUMBER:	9658-82-7320 PROJECT IS A PORTION OF PIN
PROPERTY SIZE:	8.78 AC. OVERALL, PROJECT AREA: 1.67 AC.
ZONING DISTRICT:	CBI
REQUIRED SETBACKS:	15' FRONT, 0' SIDES, 0' REAR 15' CORNER LOT SIDE STREET
BUILDING INFORMATION:	BUILDING HEIGHT UDO: 00' - 0" MAX NO. OF STORIES = 1 UDO GROSS FLOOR AREA (EXCLUDING MECHANICAL SPACES) : 15,000 MAX UDO FOOTPRINT: 15,000 MAX

pfa architects, p.a.
architecture - planning - interiors
198 Coxe Avenue
Asheville, NC 28801
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f: 828.253.3302
w: pfaarchitects.com

PROGRESS DRAWING
NOT FOR
CONSTRUCTION

BUNCOMBE COUNTY
EAST ASHEVILLE LIBRARY
3 AVON ROAD
ASHEVILLE NC 28805

Revisions

No.	Date

Project Number: 1606
Date: 02/22/19
Drawn by: MAD
ELEVATIONS

Sheet Number:
A3.1

361

ORDINANCE NO. 4741

ORDINANCE ADOPTING THE FISCAL YEAR 2019-20 FEES & CHARGES

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The attached Fiscal Year 2019-20 fees and charges, attached hereto and made a part hereof, be adopted.

That this ordinance shall be in full force and effective upon July 1, 2019, except for charges on the combined utility bill for water and stormwater which will be effective September 1, 2019.

Read, approved and adopted this 9th day of April, 2019.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

Attachment (A)

GENERAL FUND				
	Current Fee	Proposed New Fee	Change	Additional Revenue
Community & Economic Development				
City-Owned Facility Rental Charges (14 Riverside Drive)				$5,000 - 10,000
Full Day Rental (per day)				
Monday - Friday	$500.00	$375.00 with 50% discount for nonprofit organizations	($125.00)	TBD
Saturday and Sunday	$1,000.00	$750.00 with 50% discount for nonprofit organizations	($250.00)	TBD
Reducing the fee to rent the 14 Riverside Drive building is anticipated to result in more rentals.				
Development Services				
Site Development, Building Safety, Permit Application Center				
City Manager Authorization to waive DSD fees	Full cost of permit fees	$0.00	n/a	$0
Formal adoption of authority				
Small Wireless Facility	New	$500 for the first five sites + $50 for each additional site		TBD
Fire				
Fire Technology Fee	New	5% added to the cost of inspection		$10,000
This fee will be reserved for costs associated with AFD technology, including a system to streamline inspections.				
Planning & Urban Design				
Sales of Materials				
Unified Development Ordinance (UDO)	$35.00	$50.00	$15.00	$30
Living Asheville Comprehensive Plan	$25.00	$50.00	$25.00	$125
Pass-through of printing costs.				
Public Works				
Rental of Materials and Services				
Traffic Control - Type III Barricades	$25.00	$40.00	$15.00	$4,020
Fleet Management				
External CNG Sales	$1.98	$2.12	$0.14	$7,500
Pass-through of increasing costs.				

	Current Fee	Proposed New Fee	Change	Additional Revenue
Streets				
Asphalt Curb Installation	$6.00	$12.00	$6.00	$3,600
Pass-through cost of materials, maintenance and replacement.				
			TOTAL ADDITIONAL GENERAL FUND REVENUE	**$25,000-30,000**
STREET CUT FUND				
Utility Cut Permit and Patching				
Full Width/Full Block Overlay	$2,500.00	$3,500.00	$1,000.00	$13,000
This fund accounts for costs paid by utility providers for repair of street cuts.				
			TOTAL STREET CUT FUND REVENUE	**$13,000**
STORMWATER FUND				
Residential Properties - All				$293,266
Single-Family Residential Properties				Included above
225 - 2,000 square feet (per month)	$3.05	$3.20	$0.15	
2,001 - 4,000 square feet (per month)	$4.86	$5.10	$0.24	
> 4,001 square feet (per month)	$6.69	$7.03	$0.34	
Non-Single-Family Residential Properties				Included above
Per Equivalent Residential Unit (ERU) per month	$4.86	$5.10	$0.24	
Development Services - Site Development Engineering				$10,770
Grading Permit: Residential >10,000 sq ft	$0.00	$425.00	$425.00	n/a
Grading Permit: Commercial <10,000 sq. ft. Permit Extension Request	$0.00	$300.00	$300.00	n/a
All Commercial grading permits: Commercial > 10,000 sq ft (per acre – minimum one acre charge)	$1,200.00	$1,260.00	$60.00	$6,240
All Commercial grading permits: Commercial < 10,000 sq ft	$600.00	$630.00	$30.00	$2,190
Stormwater Level I	$750.00	$790.00	$40.00	$660
Stormwater Level II	$1,200.00	$1,260.00	$60.00	$540
Stormwater Level III	$2,000.00	$2,100.00	$100.00	$600
Stormwater Major Sub	$1,200.00	$1,260.00	$60.00	$540
These fees help the City prevent and mitigate flooding and other issues that arise related to drainage.				
			TOTAL ADDITIONAL STORMWATER FUND REVENUE	**$304,036**

US CELLULAR CENTER FUND				
	Current Fee	Proposed New Fee	Change	Additional Revenue
Nonprofit Rates				$9,000
Banquet Hall with staffing; M-F 8-5, 60 day notice; food & beverages not included, security not included.	$1,500.00	$500.00	($1,000.00)	
Banquet Hall after 5pm M-F (per hour)	n/a	$100.00	$100.00	
Thomas Wolfe Auditorium; M-W; Th-Sun, < 45 days notice. Food and beverages not included.	Greater of $1,500 or 10% of gross sales	$750.00; 50% reduction in equipment charges	($750.00)	
These are new fees at a lower tier for non-profits. This fee adjustment allows for non-profits in the area to have a more equitable opportunity to host larger meetings, information events and/or fundraisers in the community. Sizable meeting space in Asheville is fairly expensive and many event spaces do not offer non-profit rates.				
			TOTAL ADDITIONAL USCC FUND REVENUE	**$9,000**

WATER RESOURCES OPERATING FUND

	Current Fee	Proposed New Fee	Change	Additional Revenue
Utility Charges per hundred cubic feet (CCF)				$687,978
Single Family Residential	$4.13	$4.21	$0.08	
Irrigation	$4.95	$5.20	$0.25	
Multi-Family Residential	$3.56	$3.70	$0.14	
Commercial (<= 1,000 CCF monthly)	$3.49	$3.56	$0.07	
Commercial (> 1,000 CCF monthly)	$2.10	$2.21	$0.11	
Commercial (<= 2,000 CCF bimonthly)	$3.49	$3.56	$0.07	
Commercial (> 2,000 CCF bimonthly)	$2.10	$2.21	$0.11	
Manufacturer (<= 1,000 CCF monthly)	$3.49	$3.56	$0.07	
Manufacturer (> 1,000 CCF monthly)	$1.98	$2.02	$0.04	
Manufacturer (<= 2,000 CCF bimonthly)	$3.49	$3.56	$0.07	
Manufacturer (> 2,000 CCF bimonthly)	$1.98	$2.02	$0.04	
Wholesale Consumption	$1.21	$1.23	$0.02	
Base fee per bill	$6.21	$6.34	$0.13	
Capital Improvement Charge (by meter size) (monthly)				$206,108
5/8 inch	$4.17	$4.26	$0.09	
3/4 inch	$4.77	$4.87	$0.10	
1 inch	$57.31	$58.46	$0.15	
1 1/2 inch	$95.52	$97.43	$1.91	
2 inch	$167.16	$170.50	$3.34	
3 inch	$525.36	$535.87	$10.51	
4 inch	$919.39	$937.77	$18.38	
6 inch	$1,182.07	$1,205.71	$23.64	
8 inch	$1,444.75	$1,473.64	$28.89	
10 inch	$1,707.44	$1,741.59	$34.15	
All Water Resources Enterprise fee changes align with the long-term financial plan.				
TOTAL ADDITIONAL WATER RESOURCES OPERATING FUND REVENUE				**$894,086**

Update to note language, Capital Improvement Fee:

Previous - Note: All Single Family Residential customers are charged **$4.17** per month for their domestic water use. If a Single Family Residential customer has an irrigation account, they will be charged a CIP fee according to their meter size as provided above.

Proposed - Note: All Single Family Residential customers are charged **$4.26** per month for their domestic water use. If a Single Family Residential customer has an irrigation account, they will be charged a CIP fee according to their meter size as provided above.

	Current Fee	Proposed New Fee	Change	Additional Revenue
WATER CAPITAL RESERVE FUND				
Development Fee				$98,000
5/8 inch	$1,249.00	$1,372.00	$123.00	
3/4 inch	$1,874.00	$2,058.00	$184.00	
1 inch	$3,123.00	$3,430.00	$307.00	
1 1/2 inch	$6,245.00	$6,860.00	$615.00	
2 inch	$9,992.00	$10,976.00	$984.00	
3 inch	$19,984.00	$21,953.00	$1,969.00	
4 inch	$31,225.00	$34,300.00	$3,075.00	
6 inch	$62,450.00	$68,600.00	$6,150.00	
8 inch	$99,920.00	$109,760.00	$9,840.00	
10 inch	$262,290.00	$288,120.00	$25,830.00	
These fee adjustments aligns with the long-term financial plan for Water Resources.				
TOTAL ADDITIONAL WATER CAPITAL RESERVE FUND REVENUE				**$98,000**

368

ORDINANCE NO. 4742

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made a part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 14th day of May, 2019.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: Senior Center General Purpose Funding

Magdalen Burleson
City Clerk

CITY OF ASHEVILLE

BUDGET AMENDMENT

2018/19	5/14/2019
FISCAL YEAR	EFFECTIVE DATE

Purpose: To accept grants from the State of North Carolina and Land of Sky Regional Council for improvements at the Senior Opportunity Center and Harvest House.

Requesting Department: Parks and Recreation

Amendment to: General Fund

	Account	Current Budget	Amended Budget	Increase (Decrease)
Revenues				
11008323-436000	Restricted Intergovernmental State Grants	$ -	$ 3,565	$ 3,565
11008324-436000	Restricted Intergovernmental State Grants	$ -	$ 3,565	$ 3,565
Expenditures				
11008323-524001	Supplies - Other	$ -	$ 3,565	$ 3,565
11008324-524001	Supplies - Other	$ -	$ 3,565	$ 3,565
BALANCE				$ -

370

ORDINANCE NO. 4743

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 28th day of May, 2019.

Magdalen Bouleson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: Budget amendment for community waste reduction and recycling outreach program

Magdalen Bouleson
City Clerk

CITY OF ASHEVILLE

BUDGET AMENDMENT

FISCAL YEAR	EFFECTIVE DATE
2018/19	5/28/2019

Purpose: To accept a grant from the North Carolina Department of Environmental Quality for the Community Waste Reduction and Recycling Outreach program.

Requesting Department: Public Works & Sustainability

Amendment to: Special Revenue Fund

	Account	Current Budget	Amended Budget	Increase (Decrease)
Revenues				
22000311-436000-G19xx	Restricted Intergovernmental State Grants	$ -	$ 30,000	$ 30,000
22090311-498400-G19xx	Transfer from Sustainability	$ -	$ 6,000	$ 6,000
Expenditures				
22000311-524001-G19xx	Supplies - Other	$ -	$ 36,000	$ 36,000
BALANCE				$ -

Revision to: Sustainability Fund

	Account	Current Budget	Amended Budget	Increase (Decrease)
Expenditures				
24000016-528013	Contingencies	$ 570,274	$ 564,274	$ (6,000)
24000016-800110	Transfer to General Fund	$ -	$ 6,000	$ 6,000
BALANCE				$ -

ORDINANCE NO. 4744

ORDINANCE ESTABLISHING CONDITIONAL ZONING FOR PROPERTY LOCATED AT 99999 VERDE VISTA CIRCLE

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this proposed amendment is consistent with the *Living Asheville - A Comprehensive Plan for our Future* and is determined to be reasonable, is in the public interest, and meets the needs of the community for the following reasons:

a) This is an expansion of an existing residential development;
b) The Future Land Use category in place is appropriate and supportive of this higher density residential use;
c) The project provides pedestrian connections along Bleachery Boulevard and an upgraded transit stop; and
d) The proposal is aligned with strategies found in the city's comprehensive plan regarding activating the pedestrian experience, siting uses along corridors that are supported by transit and locating residential density proximate to other commercial uses, contributing to a mixed-use corridor.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

The zoning classification of that certain real property described in Exhibit A and identified on Buncombe County tax maps as PIN 9658.52-9309, and, recorded in Deed Book 5506, Page 455 and currently owned by the Pike Real Estate Development LLC from Commercial Industrial (CI) to Residential Expansion District Conditional Zone District (RES EXP-CZ). A copy of the official zoning map showing said lots is attached hereto as Exhibit "A.1" and made a part hereof. Said rezoning is subject to the conditions set out in Exhibit "B.1", and substantially compliant with the

site plan(s) & building elevations as shown on Exhibit C attached hereto and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. The ordinances shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 5. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 28th day of May, 2019.

Magdalen Burleson
City Clerk

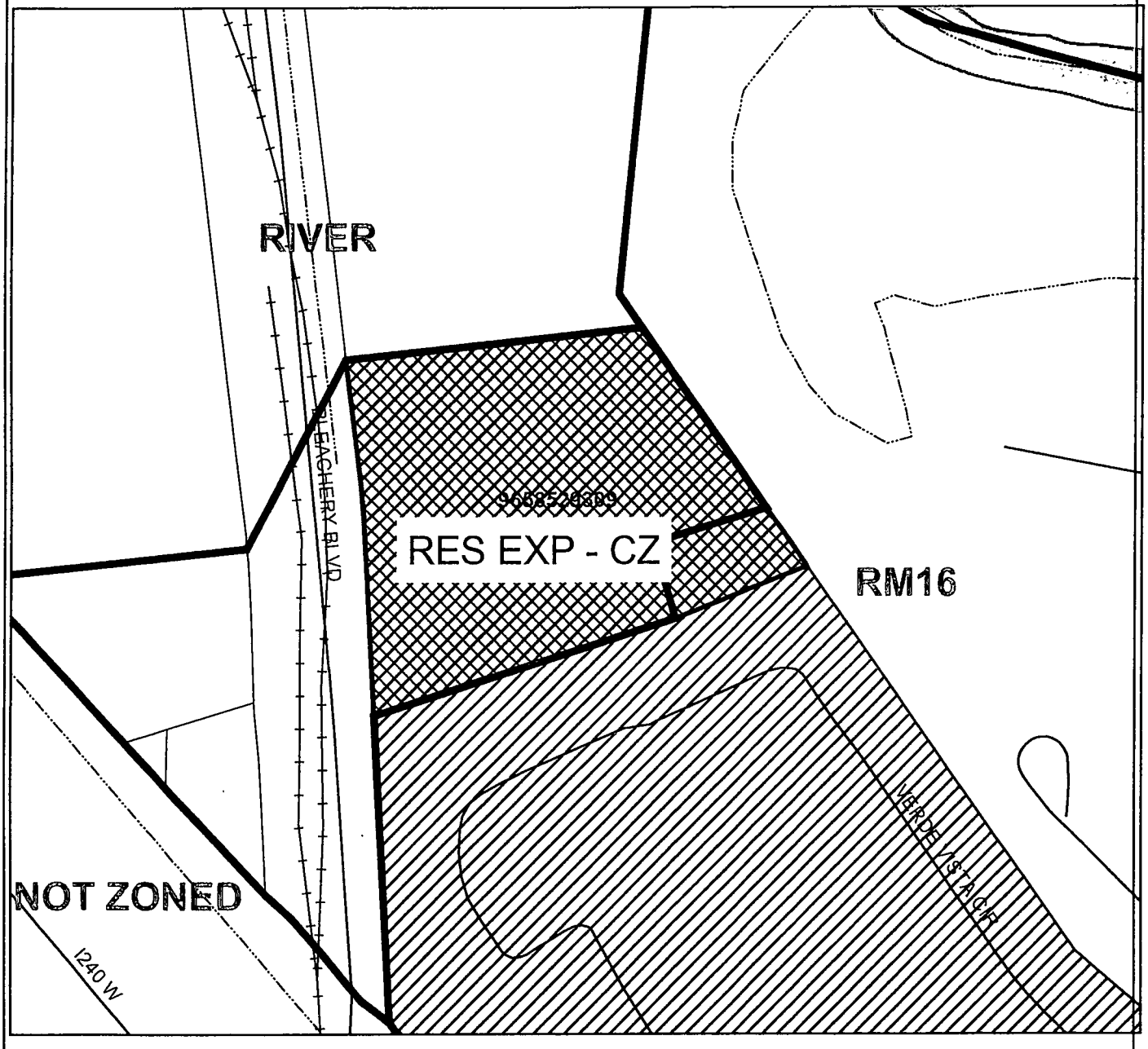
Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

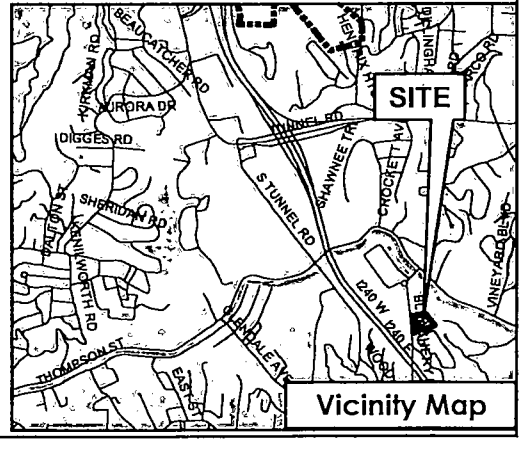
Magdalen Burleson
City Clerk

City of Asheville - Exhibit A.1 Map
Proposed Zoning - Verde Vista Phase 2



Project Name: Verde Vista Phase 2
Project Number: 19 - 01854 PZ
Project Description: CZfor 56-unit apartment building
Petitioner(s): Warren Sugg
Parcel ID Number(s): 9658.52-9309

Location/Address: 99999 Verde Vista Circle



Project Site
Zoning Districts
Parcels
Streets
Asheville City Limits
River Areas

City of Asheville Planning and Urban Design Department - April 2019

EXHIBIT B.1 CONDITIONS - Verde Vista Phase II

1. The zoning for the parcel at 99999 Verde Vista Circle (PIN 9658.52-9309) is Residential Expansion District Conditional Zone.

2. The new building will have a maximum of 60 multi-family units and four-stories in height, with approximately 66,941 square feet in size.

3. The new building will contain 10% (6 units) of affordable housing. These units will be leased at a rate not to exceed 80% AMI for a period of 20 years from the issuance of the CO. The rent and income shall follow the Affordable and Workforce Housing Standards determined annually by the City of Asheville Community Development Department. An Affordable Housing Deed Restriction will be provided by the City and shall be filed and recorded by the applicant/property owner in the Buncombe County Register of Deeds prior to the project receiving the final zoning permit.

4. Access to the site will be via an internal driveway from the existing development, which is accessed via River Ford Parkway from Bleachery Boulevard as shown on the site plan included herein by reference.

5. The project includes a surface parking lot with approximately 84 spaces.

6. There are 10 foot wide walkways surrounding the building and five foot wide connections with stairs providing access to the existing development and to Bleachery Boulevard as shown on the site plan included herein by reference.

7. A five foot wide sidewalk will be provided along project frontage on Bleachery Boulevard extending to the intersection with River Ford Parkway as shown on the site plan included herein by reference.

8. A relocated transit stop with concrete pad, shelter, bench and trash can will be provided by the applicant in the approximate location along Bleachery Boulevard as shown on the site plan and will be installed prior to final zoning approval.

9. The applicant shall grant the City an irrevocable license agreement allowing use of River Ford Parkway by City vehicles, specifically including public transit vehicles and related services.

10. Signage will be permitted separately and will comply with allowances for Residential Multi-Family High Density District (RM-16) as noted in the UDO.

11. Landscaping will be provided as shown on the landscape plan as incorporated herein by reference with a property line buffer, building impact landscaping, parking lot landscaping, tree save area and street trees.

12. Retaining walls are shown on the site with a maximum height of 20 feet and will meet aesthetic screening standards.

13. The building design, site design and orientation on site must substantially comply with the approved site plan and elevations which are incorporated herein by reference. Any major deviations from these plans will require a rezoning.

14. A full traffic impact assessment is waived and a trip generation estimate has been provided.

15. All legally required local, state, and federal permits and approvals must be obtained prior to initiation of construction and any pertinent legal requirements shall be met.

16. The conditional zoning will be valid for a period of two years from the date of approval by City Council. If a building permit is not obtained within two years, the approval will no longer be valid.

DEVELOPMENT DATA

OWNER/DEVELOPER: MISSION PROPERTIES, 1114 OLENDORF AVE # 100, CHARLOTTE, NC 28205, TOM EDAN, (704) 640-6202

CONTACT:

CIVIL ENGINEER: CIVIL DESIGN CONCEPTS, P.A., 168 PATTON AVENUE, ASHEVILLE, NC 28801, MARVIN DODD, P.E., (828) 253-5320

CONTACT:

SURVEYOR: MCABEE & ASSOCIATES, P.A., 3 MCABEE TRAIL, FAIRVIEW, NC 28730, J. BARRY WEST, P.L.S., (828) 628-1295

CONTACT:

ARCHITECT: WATTS LEAF ARCHITECTS, P.A., 121 NORTH MCDOWELL STREET, SUITE 113, CHARLOTTE, NC 28204, CHARLIE WATTS, A.I.A., (704) 378-1200

CONTACT:

PROJECT DATA

PIN: 9635-03-3208
ADDRESS: BLEACHERY BLVD, ASHEVILLE
DEED BOOK/PAGE: 5808/0466
SITE ACREAGE: 3.21 ACRES
ZONING: EXISTING: C - COMMERCIAL INDUSTRIAL
PROPOSED: RESIDENTIAL EXPANSION DISTRICT

TOTAL COMPLEX ACREAGE: 15.47 AC

OPEN SPACE CALCULATIONS:

REQUIRED: 800 SF/UNIT * (257 PHL I + 88 PHL II) = 166,800 SF
PROVIDED: 166,800 SF

COMMON OPEN SPACE:
REQUIRED: 100 SF/UNIT * (257 PHL I + 88 PHL II) = 31,300 SF
PROVIDED: 31,300 SF

PHASE II:

SETBACKS:
FRONT: 15'
SIDES: 15'
REAR: 15'

DISTURBED AREA: 8.06 AC

PARKING CALCULATIONS:

VEHICULAR:
RESIDENTIAL: MIN = 1 SPACE/UNIT, MAX = 2 SPACE/UNIT

	MINIMUM	MAXIMUM
32 ONE BEDROOM UNITS	32	64
24 TWO BEDROOM UNITS	24	48
SPACES REQUIRED:	56	
SPACES PROVIDED:	84	

HANDICAPPED SPACES:
SPACES REQUIRED: 4 SPACES PROVIDED: 4

BICYCLE:
MINIMUM REQUIRED: 5 AMOUNT PROVIDED: 8

BUILDING DATA:

BUILDING	DESCRIPTION	HEIGHT	GFA
BUILDING 1	FOUR STORY	40'	88,941 SF

IMPERVIOUS SURFACE CALCULATIONS:

	IMPERVIOUS	PERVIOUS
PRE-DEVELOPMENT:	0.00 ACRES (0%)	3.21 ACRES (100%)
POST-DEVELOPMENT:	1.12 ACRES (35%)	2.09 ACRES (65%)

DENSITY:
ALLOWED: 20 UNITS/ACRE
MAX ALLOWED UNITS: 64.2
TOTAL UNITS: 88

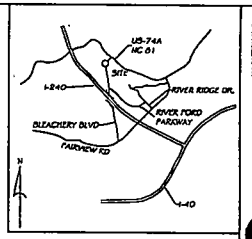
EXISTING PHASE I PROJECT DATA

PIN: 9636-01-2708
ADDRESS: 1 VERDE VISTA CIRCLE
DEED BOOK/PAGE: 5448/1187
SITE ACREAGE: 13.22
EXISTING ZONING: RM-18

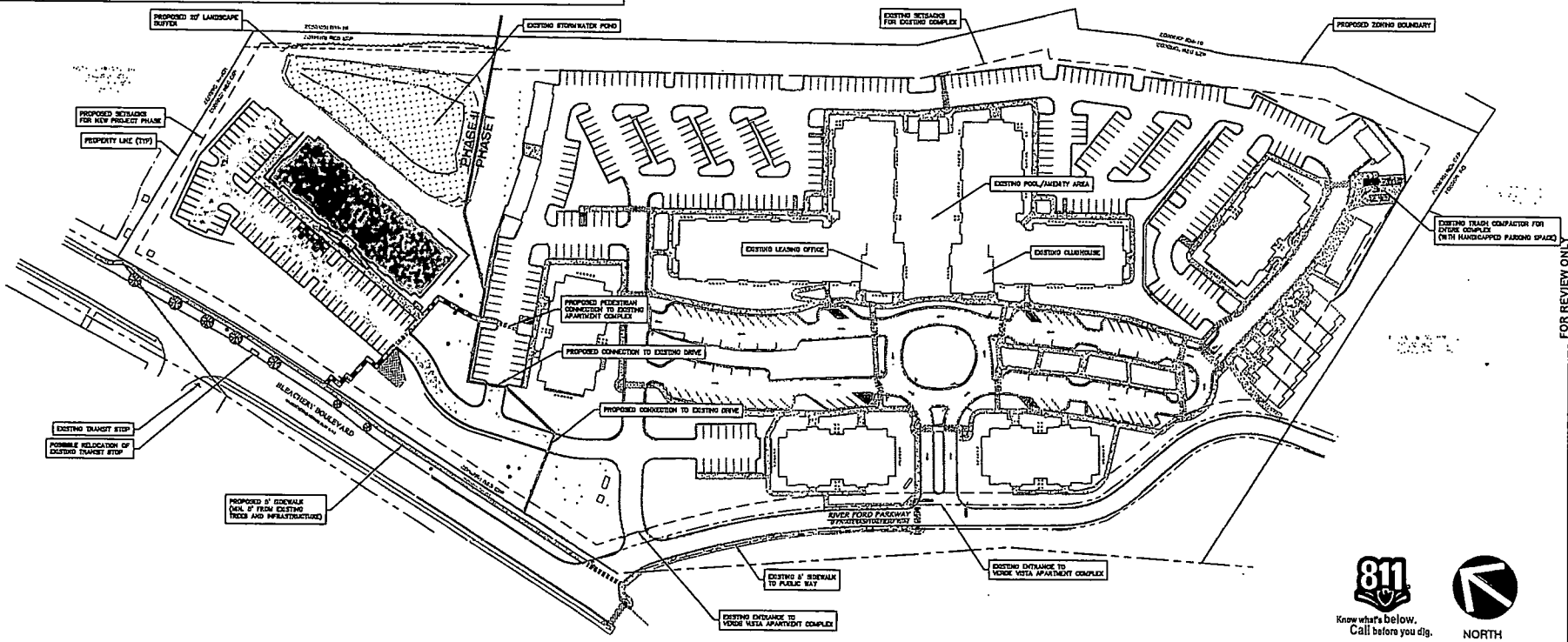
EXISTING SETBACKS:
FRONT: 15'
SIDES: 40'
REAR: 40'

PARKING:
VEHICULAR: 429 SPACES
HANDICAPPED: 14 SPACES
BICYCLE: 24 SPACES

UNITS: 257



VICINITY MAP
(NOT TO SCALE)



811 Know what's below. Call before you dig.

NORTH

MASTER SITE PLAN

GRAPHIC SCALE

(IN FEET)
1 inch = 60 ft.

FOR REVIEW ONLY

PRELIMINARY NOT RELEASED FOR CONSTRUCTION

NO.	DATE	REVISIONS	BY
1	02/11/2009	CDA CONDITIONAL ZONING SUBMITTAL	MJD

CDC Civil Design Concepts, PA
168 PATTON AVENUE, ASHEVILLE, NC 28801, PHONE (828) 253-5320, FAX (828) 253-6420
57 WALNUT STREET - SUITE 9, TRYON, NC 28782, PHONE (828) 859-9157, FAX (828) 859-9420
www.civildesignconcepts.com
MICHELLE LECHICKI P.E. C-2138

MASTER SITE PLAN FOR:

VERDE VISTA PHASE II

MISSION PROPERTIES - ASHEVILLE, NORTH CAROLINA

DRAWN BY: AMP
CDC PROJECT NO.: 11108
CDA PERMIT NO.: N/A

SHEET

C200

Exhibit C pg 2 377

378

DEVELOPMENT DATA

OWNER/DEVELOPER: MISSION PROPERTIES
(114 OLENDORF AVE # 100
CHARLOTTE, NC 28205
CONTACT: TOM EDAN
(704) 540-6252

CIVIL ENGINEER: CIVIL DESIGN CONCEPTS, P.A.
180 PATTON AVENUE
ASHEVILLE, NC 28801
CONTACT: WARREN BUDA, P.E.
(828) 232-6300

SURVEYOR: MCABEE & ASSOCIATES, P.A.
3 MCABEE TRAIL
FAIRVIEW, NC 28730
CONTACT: J. BARRY WOFF, P.L.S.
(828) 628-1298

ARCHITECT: WATTS LEAF ARCHITECTS, P.A.
101 NORTH MCDOWELL STREET, SUITE 110
CHARLOTTE, NC 28204
CONTACT: CHARLIE WATTS, A.I.A.
(704) 379-1200

PROJECT DATA

PIN: 9638-62-6306
ADDRESS: BLEACHERY BLVD, ASHEVILLE
DEED BOOK/PAGE: 3506/0403
SITE ACREAGE: 3.31 ACRES
ZONING: EXISTING: CI – COMMERCIAL INDUSTRIAL
PROPOSED: RESIDENTIAL EXPANSION DISTRICT

TOTAL COMPLEX ACREAGE: 13.47 AC

OPEN SPACE CALCULATIONS:

REQUIRED: 800 SF/UNIT * (237 PH. I + 56 PH. II) = 158,800 SF
PROVIDED: 158,800 SF

COMMON OPEN SPACE:
REQUIRED: 100 SF/UNIT * (237 PH. I + 56 PH. II) = 31,300 SF
PROVIDED: 31,300 SF

PHASE II:

SETBACKS:
FRONT: 18'
SIDES: 15'
REAR: 15'

DISTURBED AREA: 2.08 AC

PARKING CALCULATIONS:

VEHICULAR:
RESIDENTIAL: MIN = 1 SPACE/UNIT
MAX = 2 SPACE/UNIT

	MINIMUM	MAXIMUM
32 ONE BEDROOM UNITS	32	64
24 TWO BEDROOM UNITS	24	48
SPACES REQUIRED	56	
SPACES PROVIDED	84	

HANDICAPPED SPACES:
SPACES REQUIRED: 4 SPACES PROVIDED: 4

BICYCLE:
MINIMUM REQUIRED: 8 AMOUNT PROVIDED: 8

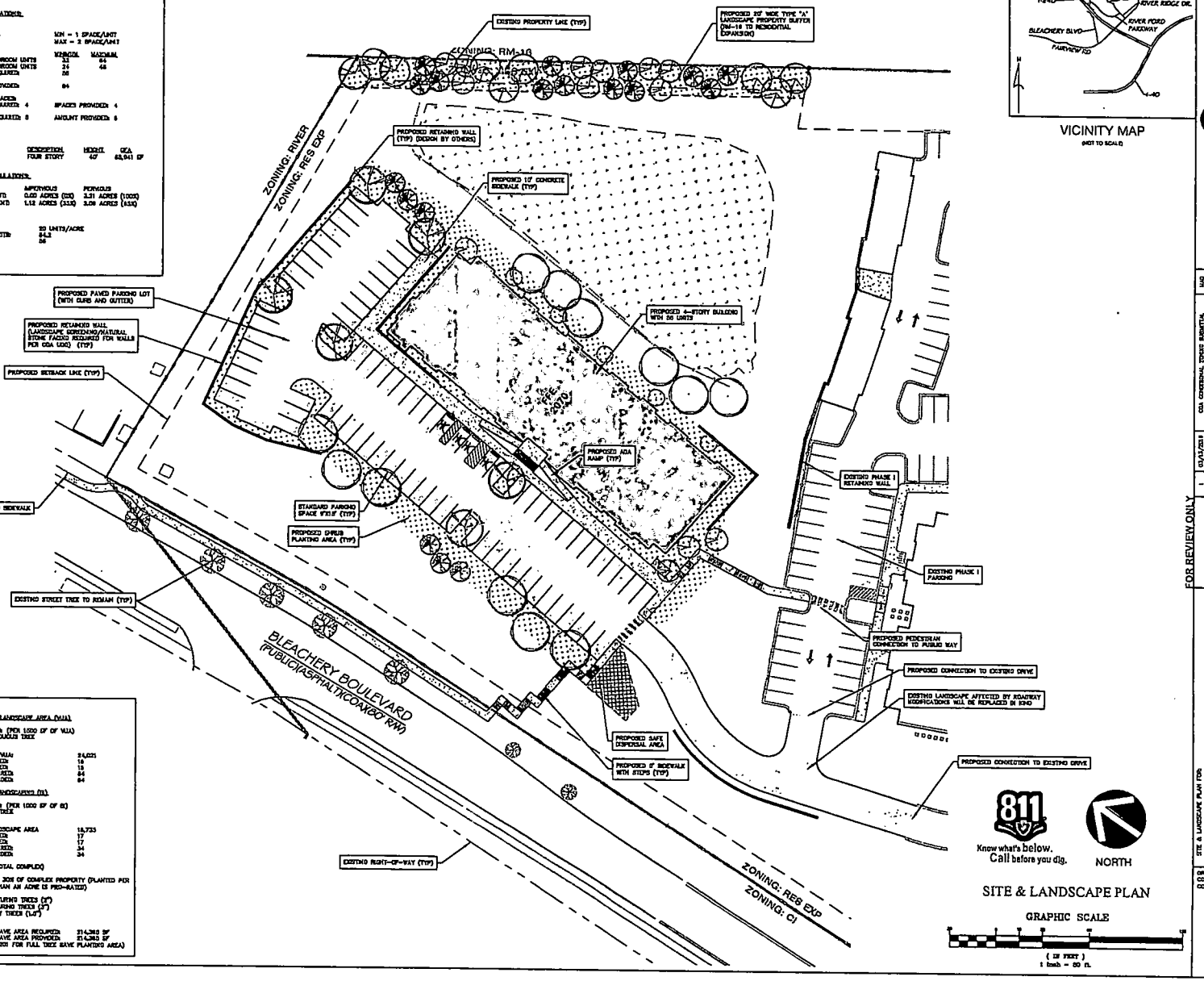
BUILDING DATA:

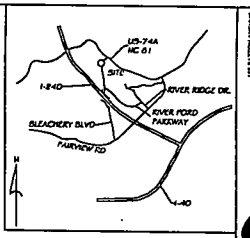
BUILDING	DESCRIPTION	HEIGHT	GFA
BUILDING 1	FOUR STORY	45'	63,941 SF

IMPERVIOUS CALCULATIONS:

	IMPERVIOUS	PERVIOUS
PRE-DEVELOPMENT:	0.00 ACRES (0%)	3.31 ACRES (100%)
POST-DEVELOPMENT:	1.12 ACRES (33%)	2.09 ACRES (63%)

DENSITY:
ALLOWED: 20 UNITS/ACRE
MAX ALLOWED UNITS: 66.2
TOTAL UNITS: 56





VICINITY MAP
(NOT TO SCALE)

PLANTING SUMMARY:

PROPERTY LINE BUFFER (PLB)

REQUIREMENTS: (PER 100 LF)
4 EVERGREEN TREES
3 LARGE DECIDUOUS TREES
3 SMALL DECIDUOUS TREES
10 LARGE SHRUBS (50% MUST BE EVERGREEN)
10 SMALL SHRUBS (50% MUST BE EVERGREEN)

REQUIRED BUFFER LENGTH: 30 LF

TREES REQUIRED:	12 EVERGREEN TREES 9 LARGE DECIDUOUS 9 SMALL DECIDUOUS
TREES PROVIDED:	12 EVERGREEN TREES 9 LARGE DECIDUOUS 9 SMALL DECIDUOUS
SHRUBS REQUIRED:	30 LARGE SHRUBS 30 SMALL SHRUBS
SHRUBS PROVIDED:	30 LARGE SHRUBS 30 SMALL SHRUBS

STREET TREES (ST)

REQUIREMENTS: (PER 40 LF OF FRONTAGE)
1 LARGE MATURING TREE

BLEACHERY BLVD:	429 LF
STREET TREES REQUIRED:	11
EXISTING STREET TREES:	7 (12 CREDITS)
STREET TREES PROVIDED:	0

VEHICULAR USAGE LANDSCAPE AREA (VUA)

REQUIREMENTS: (PER 1000 SF OF VUA)
1 LARGE DECIDUOUS TREE
4 SHRUBS

TOTAL SF OF VUA:	24,021
TREES REQUIRED:	16
TREES PROVIDED:	16
SHRUBS REQUIRED:	84
SHRUBS PROVIDED:	84

BUILDING ADJACENT LANDSCAPING (BA)

REQUIREMENTS: (PER 1000 SF OF BA)
1 DECIDUOUS TREE
2 SHRUBS

TOTAL SF LANDSCAPE AREA	16,733
TREES REQUIRED:	17
TREES PROVIDED:	17
SHRUBS REQUIRED:	34
SHRUBS PROVIDED:	34

TREE SAVE (TS) (TOTAL COMPLEX)

REQUIREMENT: 30% OF COMPLEX PROPERTY (PLANTED PER ACRE, LESS THAN AN ACRE IS PRO-RATED)

14 LARGE MATURING TREES (3")
7 LARGE MATURING TREES (3")
5 UNDERSTORY TREES (1.5")
50 SHRUBS

TOTAL TREE SAVE AREA REQUIRED:	214,365 SF
TOTAL TREE SAVE AREA PROVIDED:	214,365 SF

(SEE SHEET C201 FOR FULL TREE SAVE PLANTING AREA)

FOR REVIEW ONLY

PRELIMINARY NOT RELEASED FOR CONSTRUCTION

NO.	DATE	DESCRIPTION	BY
1	03/07/2011	COA CONDITIONAL USE/DRC SUBMITTAL	MJG

CDC Civil Design Concepts, PA
180 PATTON AVENUE ASHEVILLE, NC 28801 PHONE (828) 232-6300 FAX (828) 232-6301
53 WALNUT STREET - SUITE B TRYON, NC 28782 PHONE (828) 894-8202 FAX (828) 894-8203
www.civildesignconcepts.com
NICHOLAS LUCIUS II: C-4186

SITE & LANDSCAPE PLAN FOR:
VERDE VISTA
PHASE II
MISSION PROPERTIES – ASHEVILLE, NORTH CAROLINA

DRAWN BY: AMP
CDC PROJECT NO.: 11108
COA PERMIT NO.: N/A

SHEET
C202

SITE & LANDSCAPE PLAN

Exhibit C
2 of 2

ORDINANCE NO. 4745

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Fiscal Year 2018-19 Budget Ordinance be amended to provide an appropriation of $15,074.59 received since July 1, 2018 in the Property & Liability Fund for Asheville Police Department-related 3rd party at-fault auto insurance recovery funds to be transferred to General Capital Project Fund for the Police Department as follows:

GENERAL CAPITAL PROJECTS FUND

Revenues:

Operating Transfer from Prop. & Liability Fund	$15,074.59
Total Revenues	$15,074.59

Appropriations:

Mach. & Equipment	$15,074.59

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 11th day of June, 2019.

Magdalen Bowlison
City Clerk

Esther G. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlison
City Clerk

380

ORDINANCE NO. 4746

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Fiscal Year 2018-19 Budget Ordinance be amended to provide an appropriation of $216,000 to allocate additional funding to the electric bus purchase project for fareboxes, software, vehicle registration fees, bus pedal extenders, GPS trackers, and design/construction costs for charger installation as follows:

TRANSIT CAPITAL FUND

Revenues:

Interim Credit Facility	$216,000
Total Revenues	$216,000

Appropriations:

Machinery & Equipment	$216,000
Total Appropriations	$216,000

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 11th day of June, 2019.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

ORDINANCE NO. 4747

AN ORDINANCE ADOPTING THE ANNUAL BUDGET AND FIXING THE TAX RATE FOR THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 2019-20

WHEREAS, Article 3 of Chapter 159 of the N. C. General Statutes requires local governments in North Carolina to adopt ordinances establishing an annual budget, in accordance with procedures specified in said Article 3; and

WHEREAS, the Asheville City Council, following a public hearing as required by law has considered the proposed annual budget for the City of Asheville for the 2019-20 fiscal year;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The following anticipated revenues and authorized expenditures by fund, together with a financial plan for internal service funds, are hereby appropriated for operating City government for the fiscal year beginning July 1, 2019 and ending June 30, 2020.

GENERAL FUND

Revenues:		
Taxes – Ad Valorem	$ 68,956,600	
Other Taxes	28,461,565	
Intergov. Revenue	12,992,818	
Licenses and Permits	5,667,140	
Sales and Services	12,578,627	
Investment Earnings	550,000	
Miscell. Revenue	2,943,400	
Other Financing Sources	92,620	
Total Revenues		$ 132,262,366
Appropriations:		
Departmental Operations		$ 132,262,366

WATER RESOURCES FUND

Revenues:		
Sales and Services	$ 40,287,242	
Investment Earnings	400,000	
Total Revenues		$ 40,687,242
Appropriations:		
Water Resources Operations		$ 40,687,242

PARKING SERVICES FUND

Revenues:		
Sales and Services	$ 300	
Investment Earnings	50,000	
Miscell Revenue	6,618,500	
Oth Financing Sources	500,000	
Total Revenues		$ 7,168,800
Appropriations:		
Parking Services Operations		$ 7,168,800

STORMWATER FUND

Revenues:		
Licenses and Permits	$ 410,000	
Sales and Services	6,172,069	
Investment Earnings	12,000	
Miscell Revenue	10,000	
Total Revenues		$ 6,604,069
Appropriations:		
Stormwater Operations		$ 6,604,069

TRANSIT SERVICES FUND

Revenues:		
Intergov Revenue	$ 2,472,464	
Licenses and Permits	350,000	
Sales and Services	675,000	
Oth Financing Sources	6,660,988	
Total Revenues		$ 10,158,452
Appropriations:		
Transit Services Operations		$ 10,158,452

US CELLULAR CENTER FUND

Revenues:		
Sales and Services	$ 3,534,100	
Investment Earnings	20,000	
Miscell Revenue	160,000	
Oth Financing Sources	1,135,109	
Total Revenues		$ 4,849,209

Appropriations:		
US Cellular Center Operations		$ 4,849,209

STREET CUT UTILITY FUND

Revenues:		
Sales and Services	$ 1,782,078	
Miscell Revenue	60	
Oth Financing Sources	190,000	
Total Revenues		$ 1,972,138
Appropriations:		
Street Cut Operations		$ 1,972,138

HOUSING PARTNERSHIP FUND (GENERAL FUND)

Revenues:		
Miscell Revenue	$ 150,000	
Oth Financing Sources	500,000	
Total Revenues		$ 650,000
Appropriations:		
Housing Partnership Fund Operations		$ 650,000

SUSTAINABILITY FUND

Revenues:		
Oth Financing Sources	$ 756,268	
Total Revenues		$ 756,268
Appropriations:		
Sustainability Fund Operations		$ 756,268

INTERNAL SERVICES FUNDS

Revenues:		
Sales and Services	$ 19,339,387	
Investment Earnings	59,000	
Miscell Revenue	1,099,353	
Total Revenues		$ 20,497,740
Appropriations:		
Health Insurance	$ 16,591,337	
Workers Compensation	1,601,000	
Property and Liability	2,305,403	

Total Expenditures		$ 20,497,740

CAPITAL 2100 FUND (GENERAL FUND)

Revenues:		
Oth Financing Sources	$ 15,037,249	
Total Revenues		$ 15,037,249
Appropriations:		
Capital 2100 Fund Operations		$ 15,037,249

Section 2. All appropriations included in the following Capital Project funds and other multi-year funds are approved for the financing life of each project, which may extend beyond one fiscal year.

GENERAL CAPITAL PROJECTS FUND

Revenues:		
Licenses and Permits	$ 600,000	
Sales and Services	75,000	
Miscell Revenue	28,000	
Oth Financing Sources	20,320,262	
Total Revenues		$ 21,023,262
Appropriations:		
General Capital Fund Expenditures		$ 21,023,262

WATER CAPITAL PROJECTS FUND

Revenues:		
Transfer from Water Resources Fund	$ 11,465,140	
Total Revenues		$ 11,465,140
Appropriations:		
Water Capital Fund Expenditures		$ 11,465,140

WATER CAPITAL RESERVE FUND

Revenues:		
Development Fees	$ 100,000	
Total Revenues		$ 100,000
Appropriations:		
Transfer to Water Capital Fund		$ 100,000

STORMWATER CAPITAL PROJECTS FUND

Revenues:		
Transfer from Stormwater Fund	$ 441,231	
Intergov Revenue	215,000	
Oth Financing Sources	5,069,269	
Total Revenues		$ 5,725,500
Appropriations:		
Stormwater Capital Fund Expenditures		$ 5,725,500

PARKING CAPITAL PROJECTS FUND

Revenues:		
Transfer from Parking Operating Fund	$ 500,000	
Total Revenues		$ 500,000
Appropriations:		
Parking Capital Fund Expenditures		$ 500,000

US CELLULAR CENTER CAPITAL PROJECTS FUND

Revenues:		
Sales and Services	$ 1,600,000	
Miscell Revenue	1,500,000	
Oth Financing Sources	68,375	
Total Revenues		$ 3,168,375
Appropriations:		
US Cellular Center Capital Fund Expenditures		$ 3,168,375

COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUND

Revenues:		
Federal Grant FY 2019-20	$ 1,009,176	
Program Income FY 2019-20	50,000	
Program Income FY 2018-19	39,000	
Total Revenues		$ 1,098,176
Appropriations:		
Fiscal 2019-20 CDBG Program	$ 1,059,176	
Fiscal 2018-19 CDBG Program	39,000	
Total Appropriations		$ 1,098,176

HOME OWNERSHIP GRANT (HOME) FUND

Revenues:		
Federal Grant FY 2019-20	$ 1,229,155	
Program Income FY 2019-20	19,526	
Program Income FY 2018-19	245,641	
Total Revenues		$ 1,494,322
Appropriations:		
Fiscal 2019-20 HOME Program	$ 1,248,681	
Fiscal 2018-19 HOME Program	245,641	
Total Appropriations		$ 1,494,322

SPECIAL REVENUE FUND

Revenues:		
Intergov Revenue	$ 424,000	
Miscell Revenue	66,419	
Total Revenues		$ 490,419
Appropriations:		
Police Forfeiture Funds	$ 94,000	
Parks Donations	66,419	
Continuum of Care Grant (HMIS)	120,000	
Emergency Solution Grant (ESG)	180,000	
PEG Funding	30,000	
Total Appropriations		$ 490,419

Section 3. It is estimated that revenues in the amounts indicated in the foregoing schedule will be available to support the foregoing appropriations. The fees & charges, as readopted and changed on April 9, 2019 in ordinance number 4741, shall be set forth in a Fees and Charges Manual to be kept on file in the Office of the City Clerk.

Section 4. There is hereby levied for the fiscal year ending June 30, 2020, an Ad Valorem tax rate of $0.4289 per $100 assessed valuation of taxable property as listed on January 1, 2019 for purposes of raising the revenues from current year's property tax as set forth in the foregoing estimates of revenues and in order to finance the foregoing appropriations.

Section 5. The City Manager is authorized to revise the budget by transfer of appropriations within each fund. All amendments affecting revenues or total fund appropriations shall be approved by ordinance by the City Council, to be acted on at any regular or special meeting and approved by a simple majority of those present and voting, a quorum being present.

Only one reading will be required and a public hearing or publication of notice is not necessary unless requested by Council.

Section 6. The reserve for encumbrances at June 30, 2019 and carry-over appropriations, representing prior commitments as of that date shall be re-appropriated pursuant to North Carolina General Statute 159-13, to the departments within various funds, under which expenditures may be made during fiscal year 2019-20 as the previous commitments are satisfied.

Section 7. Copies of this ordinance shall be furnished to the City Manager and Director of Finance, to be kept on file by them for their direction in the collection of revenues and expenditures of amounts appropriated.

Section 8. The Pay & Classification Plan is amended to incorporate all personnel actions such as reclassifications and pay modifications recommended by the Human Resources department and approved by the City Manager. Funding for the Plan and compensation items is included in the various departments. The amended plan will become effective with the pay cycle that ends on July 19, 2019.

Section 9. Base pay for the Mayor, Vice-Mayor and Councilmembers will be $22,898, $19,003, and $16,823, respectively. Travel for official activities will be reimbursed under the same plan used for City employees.

Section 10. Should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of said ordinance shall not be affected thereby.

Section 11. That this ordinance shall be in full force and effect upon date of final passage.

Read, approved and adopted this 11th day of June, 2019.

Magdalen Burleson
City Clerk

Arthur E. Martin
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

388

ORDINANCE NO. 4748

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Fiscal Year 2018-19 Budget Ordinance be amended to provide an appropriation of $1,489,327 to general facility maintenance and traffic calming as follows:

GENERAL CAPITAL PROJECTS FUND

Revenues:

Operating Transfer from General Fund	$1,489,327
Total Revenues	$1,489,327

Appropriations:

Construction	$289,327
Contingencies	$1,200,000

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 25th day of June, 2019.

Magdalen Bouleson
City Clerk

Esther E. M
Mayor

Approved as to form:

City Attorney

PURPOSE: Technical Budget Amendment..

Magdalen Bouleson
City Clerk

ORDINANCE NO. 4749

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Fiscal Year 2018-19 Budget Ordinance be amended to provide an appropriation of $110,000 to accept reimbursement for the response and coordination of rescue efforts for Hurricane Florence as follows:

SPECIAL REVENUE FUND

Revenues:

Reimbursement	$110,000

Appropriations:

Compensation-Overtime	$110,000

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 25th day of June, 2019.

Magdalen Bowlesson
City Clerk

Esther E. M
Mayor

Approved as to form:

City Attorney

Magdalen Bowlesson
City Clerk

390

ORDINANCE NO. 4750

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 25th day of June, 2019.

GENERAL CAPITAL PROJECTS FUND

Revenues:

Donations (FofNC)	$177,000
Total Revenues	$177,000

Appropriations:

Contracted Services	$177,000
Total Expenses	$177,000

Magdalen Burleson
City Clerk

Esther G. Marks
Mayor

Approved as to form:

City Attorney

PURPOSE: Nature Center Front Entrance

Magdalen Burleson
City Clerk

ORDINANCE NO. 4751

ORDINANCE AMENDING ZONING FOR PROPERTY LOCATED AT
990 SWEETEN CREEK ROAD

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this proposed amendment is consistent with the Living Asheville Comprehensive Plan, Smart Growth policies, and other official plans of the City, and is determined to be reasonable and in the public interest for the following reasons:

a. Assigns a compatible zoning designation consistent with the surrounding area,
b. Supports the adaptive reuse of the existing structure,
c. Allows for a broader range of uses that may support and serve the surrounding businesses, employees, and residents.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

The zoning classification of that certain real property described in Exhibit A and identified on Buncombe County tax maps as PIN 9657-22-7697, recorded in Deed Book 5359, Page 1484; and currently owned by CHB Holding LLC, from Industrial District (IND) to Commercial Industrial District (CI). A copy of the official zoning map showing said lot is attached hereto as Exhibit "A1" and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity

of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed, to the extent of such conflict.

Section 5. The ordinances shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 6. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 25th of June, 2019.

Magdalen Burleson
City Clerk

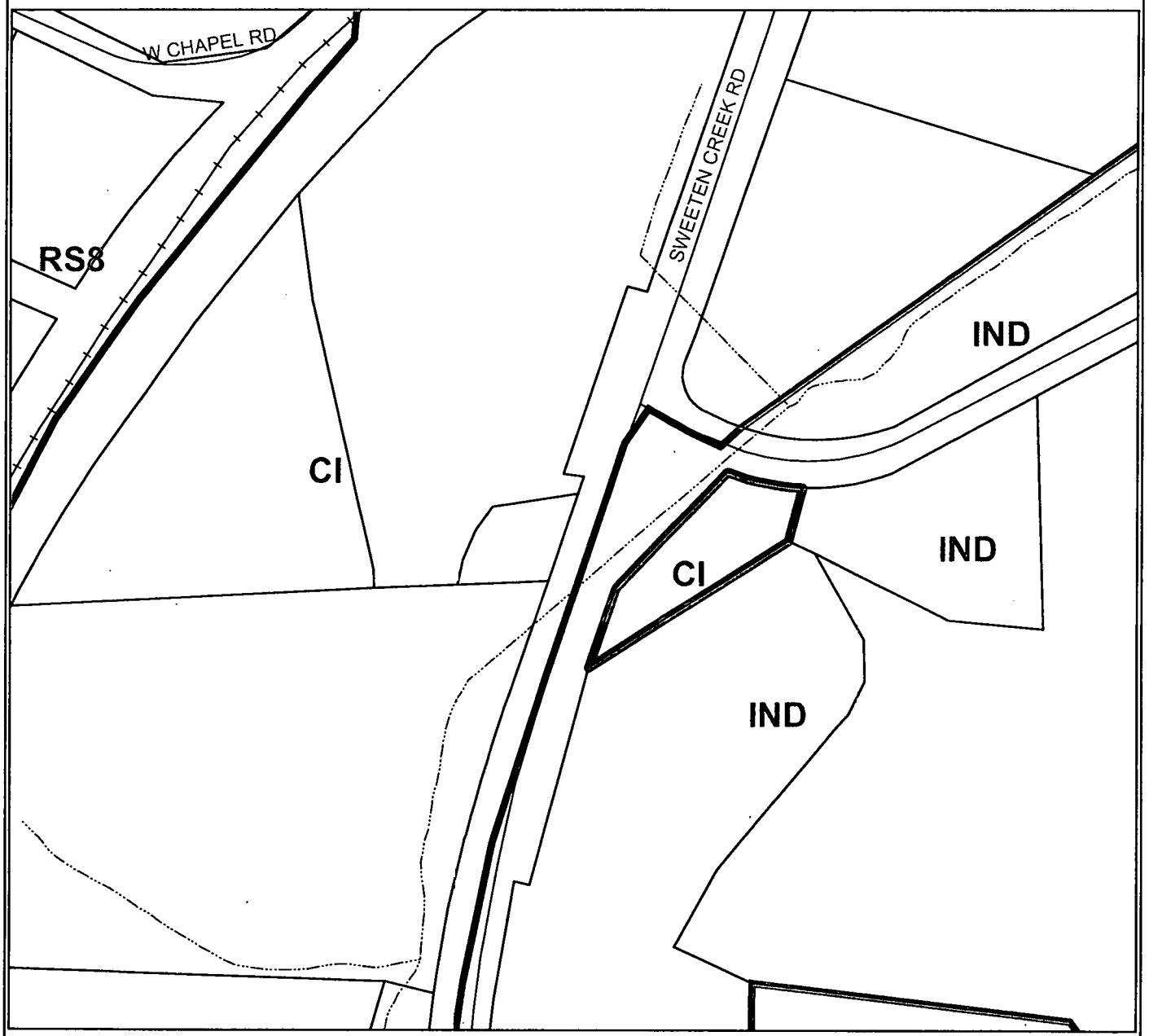
Esther E. Manheimer
Mayor

Approved as to form:

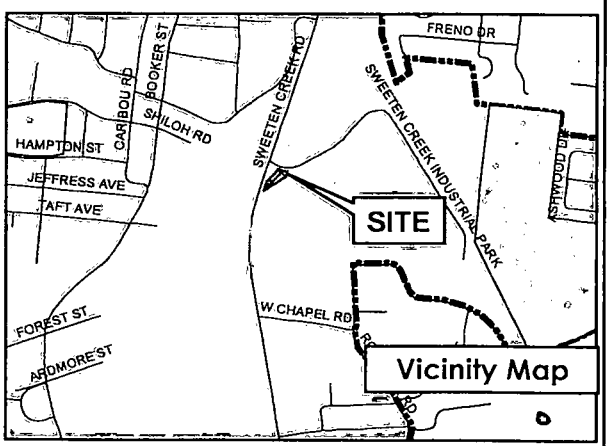
City Attorney

Magdalen Burleson
City Clerk

City of Asheville - Exhibit A1 Proposed Zoning Map
Rezoning Petition
990 Sweeten Creek Rd.



Project Name: 990 Sweeten Creek Rd. Rezoning
Project Number: 19-003229 PZ
Project Description: Rezo from IND to CI
Petitioner(s): CHB Holding LLC
Parcel ID Number(s): 9657-22-7697
Location/Address: 990 Sweeten Creek Rd.



Project Site
Parcels
Zoning Districts
Asheville City Limits
Streets
Streams

City of Asheville Planning and Urban Design Department - July 2018

394

ORDINANCE NO. 4752

ORDINANCE ESTABLISHING CONDITIONAL ZONING FOR PROPERTY LOCATED AT 20 BATTERY PARK AVENUE

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this proposed amendment is consistent with the *Living Asheville - A Comprehensive Plan for our Future* and is determined to be reasonable, is in the public interest, and meets the needs of the community for the following reasons:

a) The Downtown Future Land Use category of the Living Asheville Comprehensive Plan allows for hotels;
b) Rehabilitation and adaptive reuse of the iconic Flatiron building will preserve this historic landmark and will be done under close and appropriate review;
c) The project provides much needed life safety upgrades; and,
d) Proposed streetscape enhancements will improve the public realm by activating the area and allowing for more flexibility on the use of Battery Park Avenue.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

The zoning classification of that certain real property described in Exhibit A and identified on Buncombe County tax maps as PIN 9649.30-3481, and, recorded in Deed Book 2086, Page 739 and currently owned by Midtown Development Association LLC from Central Business District (CBD) to Central Business District Expansion Conditional Zone (CBD EXP CZ). A copy of the official zoning map showing said lots is attached hereto as Exhibit "A.1" and made a part hereof. Said rezoning is subject to the conditions set out in Exhibit "B.1", and substantially

compliant with the site plan(s) as shown on Exhibit C attached hereto and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. The ordinances shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 5. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 25th day of June, 2019.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

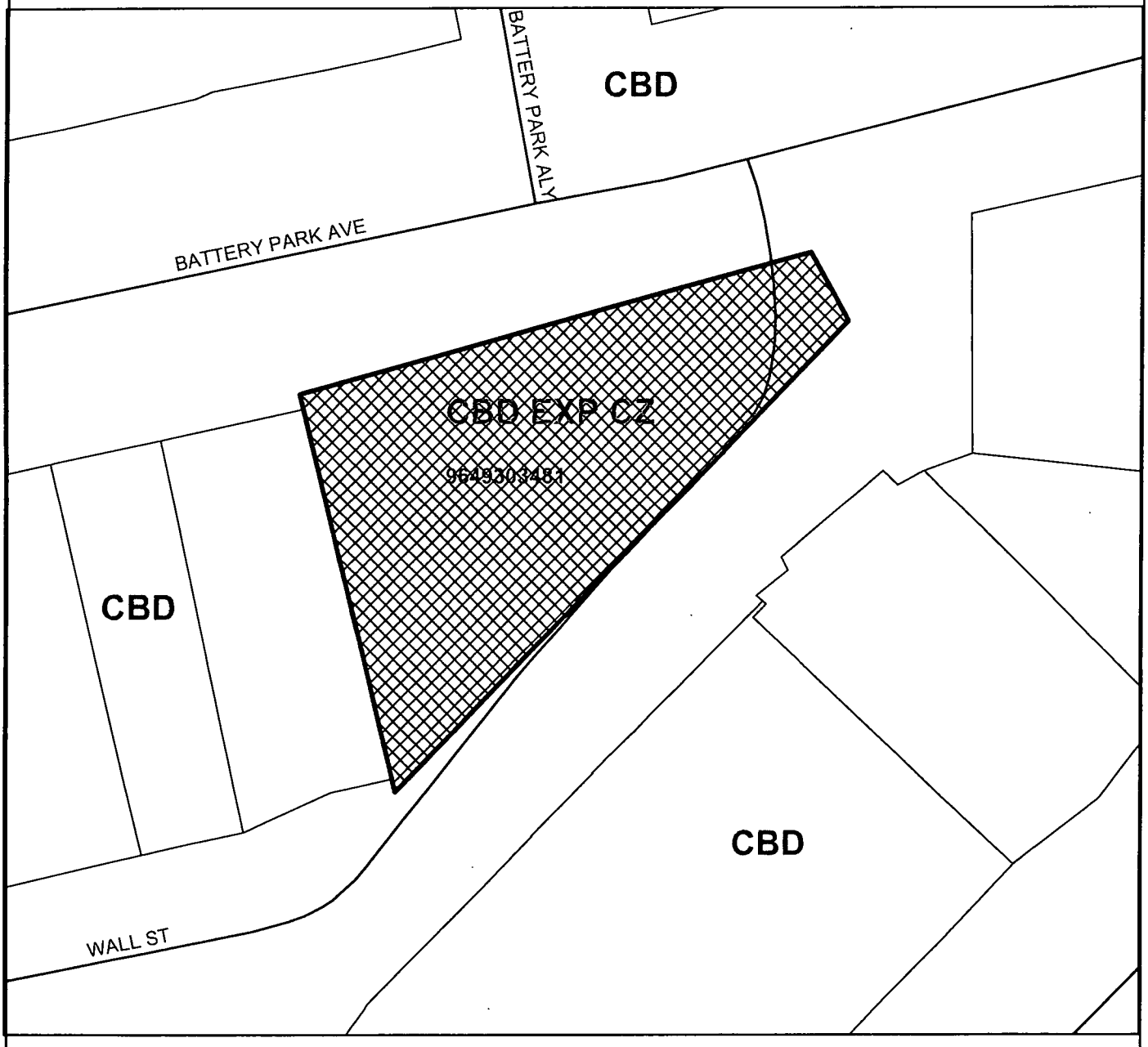
Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

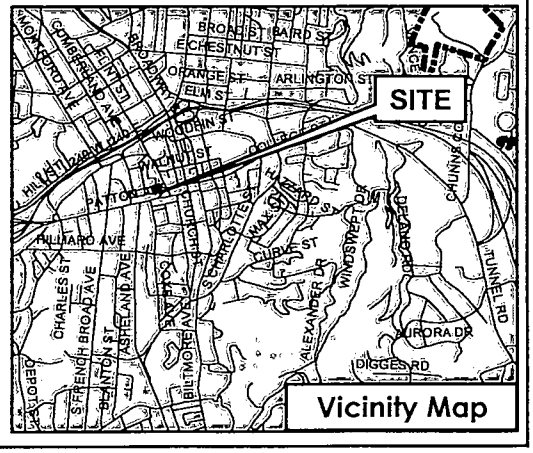
396

City of Asheville - Exhibit A1 Proposed Zoning Map
Conditional Zoning - Flat Iron Building



Project Name: Flat Iron Building
Project Number: 18 - 09576 PZ
Project Description: CZ from CBD to CBD EXP CZ
Petitioner(s): Russell Thomas
Parcel ID Number(s): 9649-30-3481

Location/Address: 20 Battery Park Avenue



Project Site
Zoning Districts
Parcels
Streets
Asheville City Limits
River Areas

City of Asheville Planning and Urban Design Department - January 2019

EXHIBIT B.1 CONDITIONS - FLATIRON BUILDING

1. The zoning for the 0.13 acre parcel at 20 Battery Park Avenue (PIN 9649-30-3481) is Central Business District Expansion District Conditional Zone.

2. Uses on the site may include up to 71 lodging rooms,restaurant and retail spaces, and one floor dedicated to office use. .

3. Required parking per the UDO (36 spaces) will be secured prior to Certificate of Occupancy via monthly accounts with existing parking facilities in the Central Business District and may exceed a 500 foot remote parking radius. All valet parking is to be managed by hotel and restaurant staff.

4. The project will seek historic tax credits by renovating the existing building in accordance with the National Parks Service Secretary of the Interior Standards. A certificate of appropriateness has been approved by the Historic Resources Commission and any modifications to the renovation plan may require amending this certificate.

5. The project proposes to increase the Battery Park sidewalk to a width between 15.5 feet and 25.5 feet as shown on the site plan incorporated herein by reference and will maintain a minimum eight foot wide clear pedestrian route. Streetscape improvements along Battery Park Avenue include the conversion of six existing angled on-street public parking spaces to create one accessible parallel space and one enlarged loading zone. Plans also include relocating a crosswalk and creating a bulb-out in front of the flat iron sculpture for public gathering.

6. Prior to issuance of the Certificate of Occupancy ("CO"), the City shall grant a license agreement to the Applicant for the fair market value of the new enlarged loading zone area, so that it may be used exclusively by the Applicant for hotel valet parking. This agreement will be coordinated through the City's Legal Department, Real Estate Division and Strategic Development Office - Downtown and will be revisited on an annual basis to review the fair market value and the time periods for exclusive use. The condition to license the space from the City shall remain in perpetuity for as long as the proposed hotel use continues.

7. To address the impact of the loss of revenue from the parking spaces removed by the Project, the applicant shall pay the City $2 per occupied room per night in perpetuity on an annual basis for as long as the proposed hotel use continues. The first payment shall be due to the City one year from issuance of the CO.

8. The existing cobblestone sidewalk along Wall Street will be maintained with five foot wide accessible paths leading out to the street from activated doors on this facade, as shown on the site plan incorporated herein by reference.

9. An easement covering the building and its historic features will be granted to the Preservation Society prior to issuance of a Certificate of Occupancy.

10. The applicant shall provide free bus passes to all employees and guests.

11. This project is estimated to generate more than 100 peak hour trips (meeting the requirement's threshold) but because it is anticipated to generate less trips than the current use, a traffic study is waived.

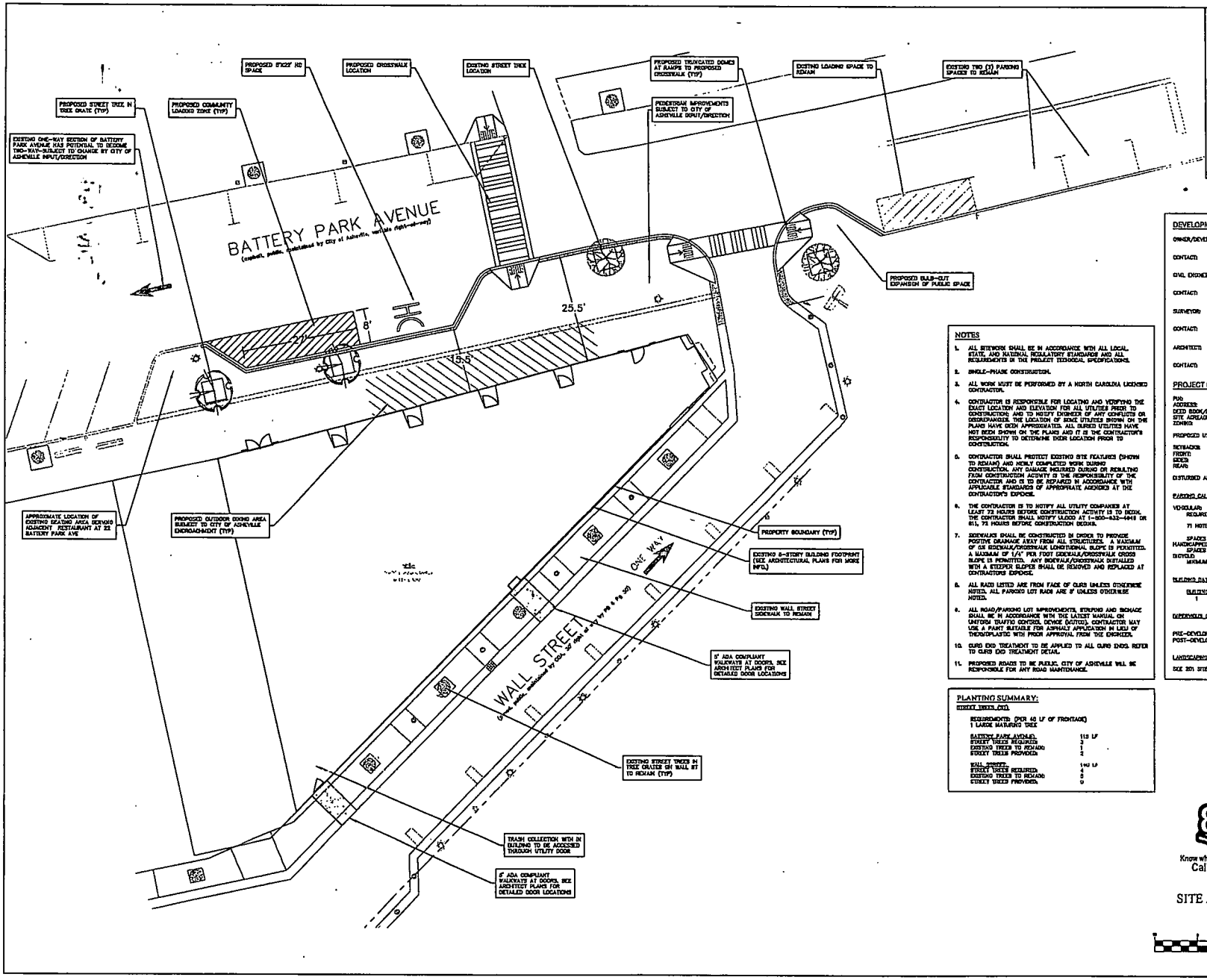
12. Signage will be permitted separately and will comply with allowances for the Central Business District as noted in the UDO.

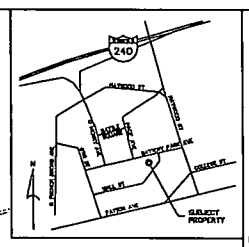
13. Landscaping will be provided as shown on the landscape plan as incorporated herein by reference with five existing street trees remaining along Wall Street and a total of four street trees provided along Battery Park Avenue.

14. The building design, site design and orientation on site must substantially comply with the approved site plan and elevations which are incorporated herein by reference. Any major deviations from these plans will require a rezoning. Additional review by the Historic Resources Commission may be required, including review of any materials for outdoor dining encroachments.

15. All legally required local, state, and federal permits and approvals must be obtained prior to initiation of construction and any pertinent legal requirements shall be met.

16. The conditional zoning will be valid for a period of two years from the date of approval by City Council. If a building permit is not obtained within two years, the approval will no longer be valid.





VICINITY MAP
(NOT TO SCALE)

NOTES

1. ALL SITEWORK SHALL BE IN ACCORDANCE WITH ALL LOCAL, STATE, AND NATIONAL REGULATORY STANDARDS AND ALL REQUIREMENTS IN THE PROJECT TECHNICAL SPECIFICATIONS.
2. SINGLE-PHASE CONSTRUCTION.
3. ALL WORK MUST BE PERFORMED BY A NORTH CAROLINA LICENSED CONTRACTOR.
4. CONTRACTOR IS RESPONSIBLE FOR LOCATING AND VERIFYING THE EXACT LOCATION AND ELEVATION FOR ALL UTILITIES PRIOR TO CONSTRUCTION AND TO NOTIFY ENGINEER OF ANY CONFLICTS OR DISCREPANCIES. THE LOCATION OF SEWER UTILITIES SHOWN ON THE PLANS HAVE BEEN APPROXIMATED. ALL BURIED UTILITIES HAVE NOT BEEN SHOWN ON THE PLANS AND IT IS THE CONTRACTOR'S RESPONSIBILITY TO DETERMINE THEIR LOCATION PRIOR TO CONSTRUCTION.
5. CONTRACTOR SHALL PROTECT EXISTING SITE FEATURES (SHOWN TO REMAIN) AND NEWLY COMPLETED WORK DURING CONSTRUCTION. ANY DAMAGE INCURRED DURING OR RESULTING FROM CONSTRUCTION ACTIVITY IS THE RESPONSIBILITY OF THE CONTRACTOR AND IS TO BE REPAIRED IN ACCORDANCE WITH APPLICABLE STANDARDS OF APPROPRIATE AGENCIES AT THE CONTRACTOR'S EXPENSE.
6. THE CONTRACTOR IS TO NOTIFY ALL UTILITY COMPANIES AT LEAST 72 HOURS BEFORE CONSTRUCTION ACTIVITY IS TO BEGIN. THE CONTRACTOR SHALL NOTIFY ULOOO AT 1-800-632-4949 OR 811, 72 HOURS BEFORE CONSTRUCTION BEGINS.
7. SIDEWALKS SHALL BE CONSTRUCTED IN ORDER TO PROVIDE POSITIVE DRAINAGE AWAY FROM ALL STRUCTURES. A MAXIMUM OF 5% SIDEWALK/CROSSWALK LONGITUDINAL SLOPE IS PERMITTED. A MAXIMUM OF 1/4" PER FOOT SIDEWALK/CROSSWALK CROSS SLOPE IS PERMITTED. ANY SIDEWALK/CROSSWALK INSTALLED WITH A STEEPER SLOPE SHALL BE REMOVED AND REPLACED AT CONTRACTORS EXPENSE.
8. ALL RADII LISTED ARE FROM FACE OF CURB UNLESS OTHERWISE NOTED. ALL PARKING LOT RADII ARE 5' UNLESS OTHERWISE NOTED.
9. ALL ROAD/PARKING LOT IMPROVEMENTS, STRIPING AND SIGNAGE SHALL BE IN ACCORDANCE WITH THE LATEST MANUAL ON UNIFORM TRAFFIC CONTROL DEVICE (MUTCD). CONTRACTOR MAY USE A PAINT SUITABLE FOR ASPHALT APPLICATION IN LIEU OF THERMOPLASTIC WITH PRIOR APPROVAL FROM THE ENGINEER.
10. CURB END TREATMENT TO BE APPLIED TO ALL CURB ENDS. REFER TO CURB END TREATMENT DETAIL.
11. PROPOSED ROADS TO BE PUBLIC. CITY OF ASHEVILLE WILL BE RESPONSIBLE FOR ANY ROAD MAINTENANCE.

PLANTING SUMMARY:

STREET TREES (TY)

REQUIREMENTS: (PER 40 LF OF FRONTAGE)
1 LARGE MATURING TREE

BATTERY PARK AVENUE:	113 LF
STREET TREES REQUIRED	3
EXISTING TREES TO REMAIN	1
STREET TREES PROVIDED	2
WALL STREET:	140 LF
STREET TREES REQUIRED	4
EXISTING TREES TO REMAIN	0
STREET TREES PROVIDED	0

DEVELOPMENT DATA

OWNER/DEVELOPER:	FLATIRON PRESERVATION GROUP, LLC 20 BATTERY PARK AVE, STE 503 ASHEVILLE NC, 28801
CONTACT:	RUSSELL THOMAS 828-232-6385
CIVIL ENGINEER:	CIVIL DESIGN CONCEPTS, P.A. 158 PATTON AVENUE ASHEVILLE, NC 28801
CONTACT:	CHRIS DAY, P.E. (828) 252-6380
SURVEYOR:	ED HOLMES AND ASSOCIATES 300 ROOSEVELT CT, STE 201 ASHEVILLE, NC 28805
CONTACT:	MARTIN BARNES 828-225-6262
ARCHITECT:	BOW HOUSE ARCHITECTS 1 NORTH PACK SQUARE ASHEVILLE NC, 28801
CONTACT:	JOY DALTON 828-281-2344

PROJECT DATA

PIN:	9648-30-3421 000
ADDRESS:	20 BATTERY PARK AVE
DEED BOOK/PAGE:	7114/208 (AS AMENDED)
SITE ACREAGE:	0.13 ACRES
ZONING:	CURRENT=CBD PROPOSED=CBD EXP
PROPOSED USE:	LODGING/COMMERCIAL
SETBACKS:	
FRONT:	0' MIN -5' FROM ROW MAX
SIDES:	NONE
REAR:	NONE
DISTURBED AREA:	0.14 AC

PARKING CALCULATIONS:

VEHICULAR:

REQUIRED SPACES:	(MIN. 1/2 ROOMS - MAX 3/2 ROOMS)	
	MINIMUM	MAXIMUM
71 HOTEL ROOMS	36	71
SPACES PROVIDED:	36 (OFFSITE)	

HANDICAPPED SPACES:			
SPACES REQUIRED:	2	SPACES PROVIDED:	2
BICYCLE:			
MINIMUM REQUIRED:	2	AMOUNT PROVIDED:	2

BUILDING DATA:

BUILDING	DESCRIPTION	HEIGHT	GFA
1	EXISTING	87'8"	48,782 SF

IMPERVIOUS CALCULATIONS:

	IMPERVIOUS	PERVIOUS
PRE-DEVELOPMENT:	0.13 ACRES (100%)	0.00 ACRES (0%)
POST-DEVELOPMENT:	0.13 ACRES (100%)	0.00 ACRES (0%)

LANDSCAPING REQUIREMENTS:

SEE 201 SITE AND LANDSCAPE PLAN

811 Know what's below. Call before you dig.

NORTH

SITE AND LANDSCAPE PLAN

GRAPHIC SCALE

(IN FEET)
1 inch = 10 ft.

FOR REVIEW ONLY

NO.	DATE	DESCRIPTION	BY
1	10/16/2018	CONCEPTUAL TRC SUBMITTAL	SCB
2	03/20/2019	TRC RE-SUBMITTAL DTC SUBMITTAL	SCB
3	04/05/2019	P & Z SET	SCB
4	04/17/2019	REVISED BULB-OUT	SCB
5	06/07/2019	HOTEL ROOM REDUCTION	SCB

CDC Civil Design Concepts, PA
158 PATTON AVENUE ASHEVILLE, NC 28801 PHONE (828) 252-6380 FAX (828) 252-6383
20 WALNUT STREET - SUITE B WAYNESVILLE, NC 28786 PHONE (828) 452-2121 FAX (828) 452-2122
www.civildesignconcepts.com
NC BOARD OF ENGINEERING LICENSE #: C-2198

PRELIMINARY NOT RELEASED FOR CONSTRUCTION

SITE PLAN FOR:

HISTORIC FLAT IRON BUILDING

FLATIRON PRESERVATION GROUP, LLC - ASHEVILLE, NORTH CAROLINA

DRAWN BY: SCB
CDC PROJECT NO.: 11828
CDA PERMIT NO.: N/A

SHEET
C201

Exhibit "C"

399

400

ORDINANCE NO. 4753

BUDGET ORDINANCE AMENDMENT
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the City of Asheville Fiscal Year 2019-20 Budget Ordinance be amended to provide an appropriation of $1,080,045 to budget an FTA grant and an appropriation of Fund Balance to fund the ART Transit Facility renovations as follows:

CAPITAL PROJECTS FUND

Revenues:

Restricted Intergov Federal Grants	$213,911
Operating Transfers from General Fund	$866,134
Total Revenues	$1,080,045

Appropriations:

Construction	$780,045
In-House Labor	$55,000
Materials	$245,000
Total Appropriations	$1,080,045

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 23rd day of July, 2019.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

ORDINANCE NO. 4754

ORDINANCE ESTABLISHING CONDITIONAL ZONING FOR PROPERTY LOCATED AT 2360 SWEETEN CREEK ROAD

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this proposed amendment is consistent with the *Living Asheville - A Comprehensive Plan for our Future* and is determined to be reasonable and in the public interest for the following reasons:

a) The Future Land Use category allows for multifamily structures and is consistent with the proposed Residential Expansion zoning district; and,
b) The project will improve the quality and safety of housing units within a senior living community.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

The zoning classification of that certain real property described in Exhibit A and identified on Buncombe County tax maps as PIN 9655-47-7393, and recorded in Deed Book 5502, Page 226 and currently owned by The Givens Estates, Inc from Residential Multi-Family High Density District (RM16) to Residential Expansion District Conditional Zone (RES EXP CZ). A copy of the official zoning map showing said lots is attached hereto as Exhibit "A.1" and made a part hereof. Said rezoning is subject to the conditions set out in Exhibit "B.1", and substantially compliant with the site plan(s) as shown on Exhibit "C" attached hereto and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. The ordinances shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 5. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 23rd day of July, 2019.

Magdalen Burleson
City Clerk

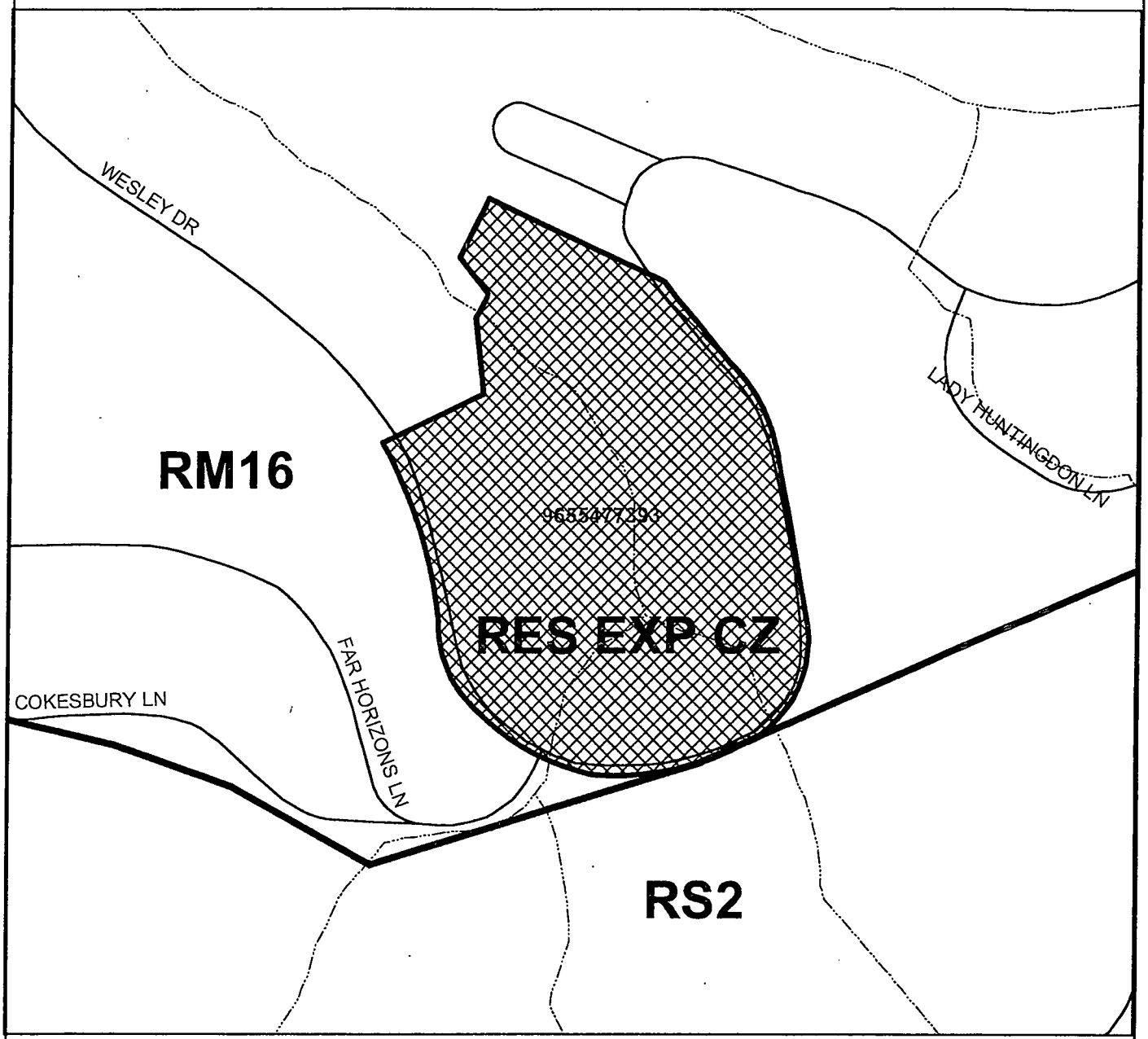
Mayor

Approved as to form:

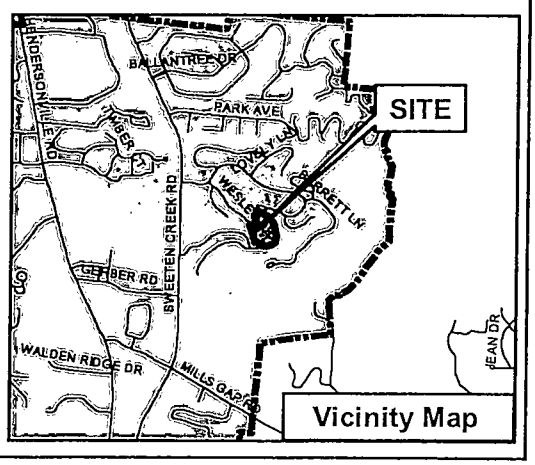
City Attorney

Magdalen Burleson
City Clerk

City of Asheville - Exhibit A1 - Proposed Zoning Map
Conditional Zoning - 2360 Sweeten Creek Rd



Project Name:	Givens Estates Friendship Park
Project Number:	19-02031 PZ
Project Description:	CZ from RM16 to Res Exp CZ
Petitioner(s):	The Givens Estates, Inc
Parcel ID Number(s):	9655-47-7393
Location/Address:	2360 Sweeten Creek Road



Project Site
Zoning Districts
Parcels
Streets
Asheville City Limits
River Areas

City of Asheville Planning and Urban Design Department - April 2019

B.1 Conditions List
The Givens Estates, Friendship Park

1. The zoning for the parcel at 2360 Sweeten Creek Road (PIN 9655-47-7393) is Residential Expansion District Conditional Zone.

2. The new buildings will have a maximum of 80 multi-family units in two buildings that will not exceed the zoning district maximum building height of 60 feet.

3. The project includes surface parking with approximately 98 spaces.

4. The sidewalks are proposed to be 5-9 feet.

5. Tree Save Area. If the requirement cannot be met within the parcel it will be incorporated into the larger development of The Givens Estates.

6. Property buffer will not be required because the land at the property edge is roadway and is owned and managed by The Givens Estates community.

7. Landscaping will be provided as shown on the landscape plan as incorporated herein by reference with a street buffer, street trees, parking lot landscaping, building impact landscaping, and tree save area.

8. Retaining walls are shown on the site with a maximum height of 27 feet and will meet aesthetic screening standards.

9. A 5-9' wide sidewalk/greenway and associated retaining wall and storm drainage will be provided, as shown on the landscape plan as incorporated herein by reference, resulting in a net reduction of impervious surface located within the required 30' wide protected aquatic buffer.

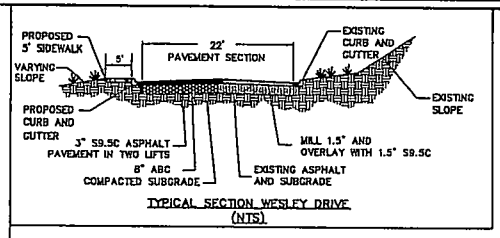
10. The building design, site design and orientation on site must substantially comply with the approved site plan and elevations which are incorporated herein by reference. Any major deviations from these plans will require a rezoning.

11. All legally required local, state, and federal permits and approvals must be obtained prior to initiation of construction and any pertinent legal requirements shall be met.

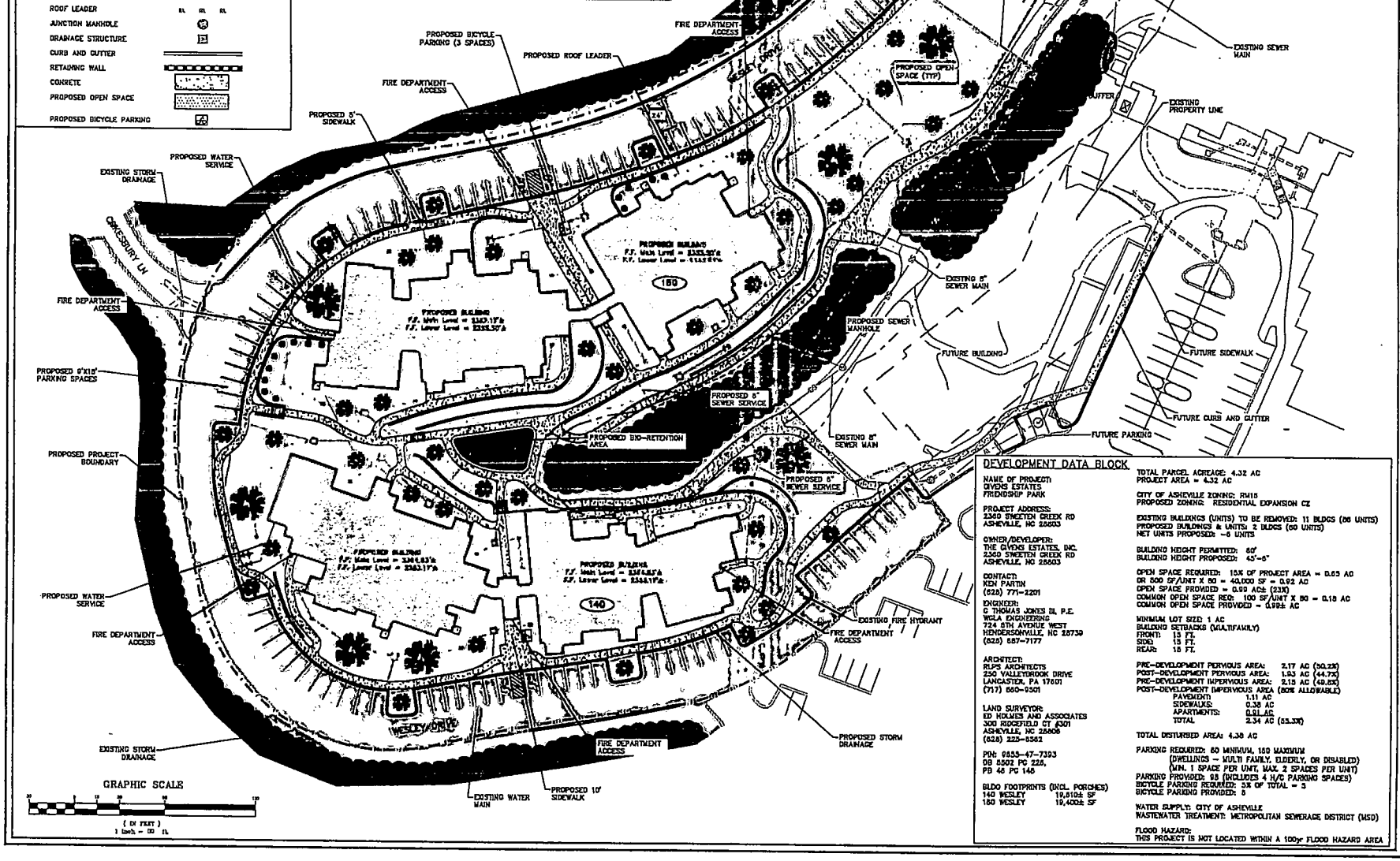
12. The conditional zoning will be valid for a period of two years from the date of approval by City Council. If a building permit is not obtained within two years, the approval will no longer be valid.

LEGEND

- FIRE HYDRANT
- GATE VALVE
- EXISTING WATER MAIN
- PROPOSED WATER SERVICE
- EXISTING SEWER MAIN
- PROPOSED SEWER SERVICE
- EXISTING SEWER MANHOLE
- PROPOSED SEWER MANHOLE
- STORMWATER PIPE
- ROOF LEADER
- JUNCTION MANHOLE
- DRAINAGE STRUCTURE
- CURB AND GUTTER
- RETAINING WALL
- CONCRETE
- PROPOSED OPEN SPACE
- PROPOSED BICYCLE PARKING



TYPICAL SECTION WESLEY DRIVE (NTS)



DEVELOPMENT DATA BLOCK

NAME OF PROJECT:
GIVENS ESTATES
FRIENDSHIP PARK

PROJECT ADDRESS:
2360 SWEETEN CREEK RD
ASHEVILLE, NC 28803

OWNER/DEVELOPER:
THE GIVENS ESTATES, INC.
2360 SWEETEN CREEK RD
ASHEVILLE, NC 28803

CONTACT:
KEN PARTIN
(828) 771-2201

ENGINEER:
G THOMAS JONES III, P.E.
WGLA ENGINEERING
724 5TH AVENUE WEST
HENDERSONVILLE, NC 28739
(828) 687-7177

ARCHITECT:
RLPS ARCHITECTS
250 VALLEYBROOK DRIVE
LANCASTER, PA 17601
(717) 560-9501

LAND SURVEYOR:
ED HOLMES AND ASSOCIATES
300 RIDGEFIELD CT #301
ASHEVILLE, NC 28806
(828) 225-8582

PIN: 9653-47-7393
DB 5502 PG 228,
PB 48 PG 146

BLDG FOOTPRINTS (EXCL. PORCHES)
140 WESLEY 19,510± SF
160 WESLEY 19,400± SF

TOTAL PARCEL ACREAGE: 4.32 AC
PROJECT AREA = 4.32 AC

CITY OF ASHEVILLE ZONING: RM16
PROPOSED ZONING: RESIDENTIAL EXPANSION CZ

EXISTING BUILDINGS (UNITS) TO BE REMOVED: 11 BLDGS (86 UNITS)
PROPOSED BUILDINGS & UNITS: 2 BLDGS (80 UNITS)
NET UNITS PROPOSED: -6 UNITS

BUILDING HEIGHT PERMITTED: 60'
BUILDING HEIGHT PROPOSED: 45'-6"

OPEN SPACE REQUIRED: 15% OF PROJECT AREA = 0.65 AC
OR 500 SF/UNIT X 80 = 40,000 SF = 0.92 AC
OPEN SPACE PROVIDED = 0.99 AC± (23%)
COMMON OPEN SPACE REQ: 100 SF/UNIT X 80 = 0.18 AC
COMMON OPEN SPACE PROVIDED = 0.99± AC

MINIMUM LOT SIZE: 1 AC
BUILDING SETBACKS (MULTIFAMILY)
FRONT: 15 FT.
SIDE: 15 FT.
REAR: 15 FT.

PRE-DEVELOPMENT PERVIOUS AREA: 2.17 AC (50.2%)
POST-DEVELOPMENT PERVIOUS AREA: 1.93 AC (44.7%)
PRE-DEVELOPMENT IMPERVIOUS AREA: 2.15 AC (49.8%)
POST-DEVELOPMENT IMPERVIOUS AREA (80% ALLOWABLE)
PAVEMENT: 1.11 AC
SIDEWALKS: 0.32 AC
APARTMENTS: 0.91 AC
TOTAL 2.34 AC (55.3%)

TOTAL DISTURBED AREA: 4.38 AC

PARKING REQUIRED: 80 MINIMUM, 160 MAXIMUM
(DWELLINGS – MULTI FAMILY, ELDERLY, OR DISABLED)
(MIN. 1 SPACE PER UNIT, MAX. 2 SPACES PER UNIT)
PARKING PROVIDED: 98 (INCLUDES 4 H/C PARKING SPACES)
BICYCLE PARKING REQUIRED: 3% OF TOTAL = 3
BICYCLE PARKING PROVIDED: 3

WATER SUPPLY: CITY OF ASHEVILLE
WASTEWATER TREATMENT: METROPOLITAN SEWERAGE DISTRICT (MSD)

FLOOD HAZARD:
THIS PROJECT IS NOT LOCATED WITHIN A 100yr FLOOD HAZARD AREA

WGLA Engineering

WGLA ENGINEERING, PLLC
724 5th AVENUE WEST
HENDERSONVILLE, NC 28739
(828) 687-7177
WGLA.COM
NC LICENSE P-1342

Givens Estates Friendship Park

Asheville
Buncombe County
North Carolina

Preliminary Not For Construction

REVISIONS

DATE	DESCRIPTION

811 Know what's below. Call before you dig.

PROJECT NUMBER:	17127
DATE:	6-28-19
DRAWN BY:	TJW
CHECKED BY:	GTJ

Conceptual Site Layout, Materials, & Zoning Compliance Plan

C-200

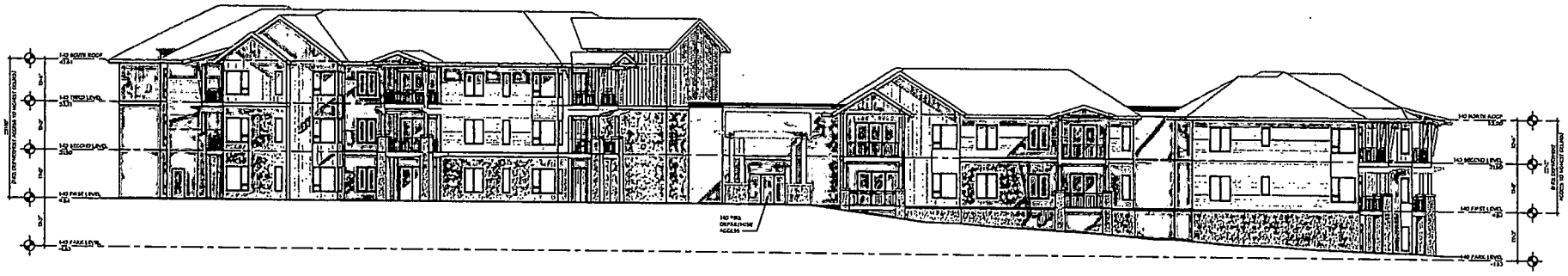
SCALE: 1"=30'

Exhibit "C" 1 of 3

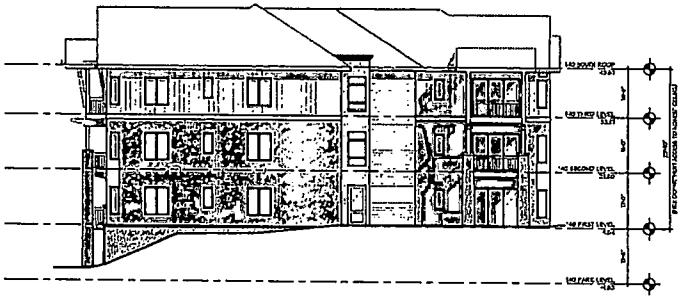
405

406

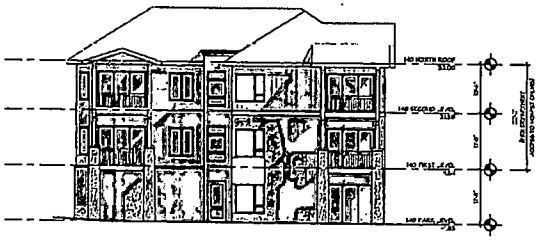
Exhibit C 2 of 3



140 WESLEY DRIVE - FRONT ELEVATION
1" = 10'-0"



140 WESLEY DRIVE - LEFT ELEVATION
1" = 10'-0"



140 WESLEY DRIVE - RIGHT ELEVATION
1" = 10'-0"

rlps architects®
architecture - master planning - interior design
250 VALLEYBROOK DRIVE, LANCASTER, PA 17601
717-560-9501 FAX: 717-560-2373 RLPS, LLP

PREMIUM PARK APARTMENT BUILDINGS
FOR
GIVENS ESTATES
2340 SWEETEN CREEK ROAD ASHEVILLE, NC 28803

DRAWN BY	CHECKED BY	APPROVED BY
N.A.R.	J.D.H.	R.A.S.

REVISIONS

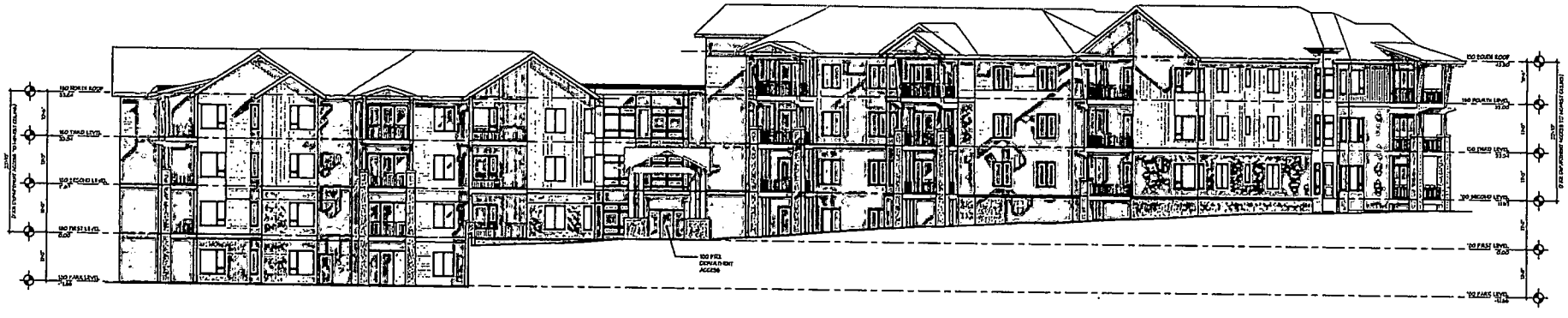
NO	DATE	DESCRIPTION

140 WESLEY DRIVE
EXTERIOR ELEVATIONS

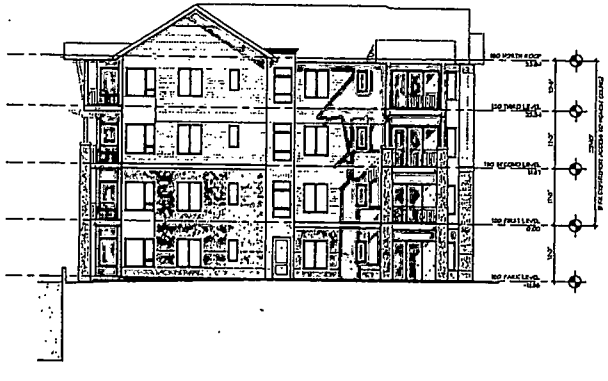
SCALE	DATE
AS NOTED	JUNE 24, 2010

140

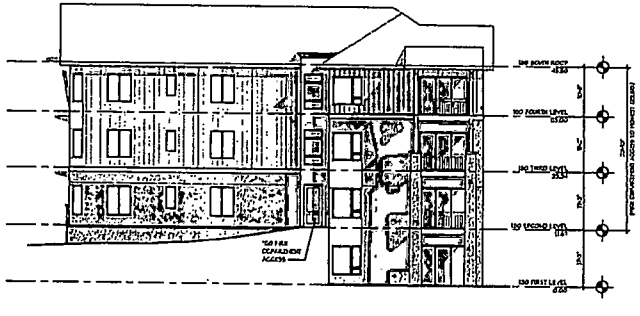
6/25/2010 11:48:41 AM



180 WESLEY DRIVE - FRONT ELEVATION
1" = 10'-0"



180 WESLEY DRIVE - LEFT ELEVATION
1" = 10'-0"



180 WESLEY DRIVE - RIGHT ELEVATION
1" = 10'-0"

rlps architects®
architecture • master planning • interior design
250 VALLEYBROOK DRIVE LANCASTER, PA 17601
717-560-9501 FAX: 717-560-2373 RLPS, LLP

PRIMONSHIP PARK APARTMENT BUILDINGS
FOR
GIVENS ESTATES
2360 SWEETEN CREEK ROAD ASHEVILLE, NC 28803

DRAWN BY:	CONTRACTOR NO.	SHEET NO.	APPROVED BY:
N.A.R.	J.D.H.		R.A.S.

REVISIONS

NO	DATE	DESCRIPTION

180 WESLEY DRIVE
EXTERIOR ELEVATIONS

SCALE:	DATE:
AS NOTED	JUNE 24, 2019

DRAWING NO. 180

COMMISSION NO. 2015007

Exhibit C 3 of 3

407

6/25/2019 11:28:50 AM

408

ORDINANCE NO. 4755

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended for the automatic passenger counters for Proterra electric buses:

TRANSIT FUND

Revenues:

Donations (Duke Energy)	$23,620
Total Revenues	$23,620

Appropriations:

Machinery & Equipment	$23,620
Total Expenses	$23,620

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 27th day of August, 2019.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

ORDINANCE NO. 4756

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Fiscal Year 2019-20 Budget Ordinance be amended to transfer the $100,000 FY 2019-20 electric bus battery lease payment from the Transit Operating Fund to the Transit Capital Fund as follows:

TRANSIT CAPITAL PROJECTS FUND

Revenues:

Operating Transfer from Transit Operating Fund	$100,000
Total Revenues	$100,000

Appropriations:

Rental/Lease	$100,000
Total Appropriations	$100,000

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 27th day of August, 2019.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

410

ORDINANCE NO. 4757

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Fiscal Year 2019-20 Budget Ordinance is amended to provide an appropriation of $33,500 to accept grants for Equity and Inclusion programming from GARE/Race Forward as follows:

GENERAL FUND

Revenues:

Private Donations	$33,500
Total Revenues	$33,500

Appropriations:

Contracted Services	$33,500
Total Expenses	$33,500

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 27 day of August, 2019.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

ORDINANCE NO. 4758

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Fiscal Year 2019-20 Budget Ordinance be amended to provide an appropriation of $359,706.00 received since July 1, 2019 in the Property & Liability Fund in consideration for a City of Asheville bus fire property loss to be transferred to Transit Capital Project Fund for the Transportation Department as follows:

PROPERTY & LIABILITY FUND

Revenues:

Insurance Recovery	$359,706.00
Total Revenues	$359,706.00

Appropriations:

Transfer to Transit Capital Projects Fund	$359,706.00
Total Appropriations	$359,706.00

TRANSIT CAPITAL PROJECTS FUND

Revenues:

Operating Transfer from Prop. & Liability Fund	$359,706.00
Total Revenues	$359,706.00

Appropriations:

Machinery & Equipment	$359,706.00
Total Appropriations	$359,706.00

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 27th day of August, 2019.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

414

ORDINANCE NO. 4761

ORDINANCE AMENDING ZONING FOR PROPERTY LOCATED AT
120 AND 99999 EMMA ROAD

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this rezoning is also deemed an amendment to the City's Future Land Use Map, changing this parcel from Residential Neighborhood to Parks/Open Space; and

WHEREAS, this proposed amendment is consistent with the Living Asheville Comprehensive Plan, Smart Growth policies, and other official plans of the City, and is determined to be reasonable, is in the public interest, and meets the development needs of the community for the following reasons:

a. Assigns a zoning designation that is consistent with the existing environmental constraints (floodway),
b. Allows opportunity for active recreation, and
c. Preserves the existing single-family use.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

The zoning classification of that certain real property described in Exhibit A and identified on Buncombe County tax maps as PINs 9639-70-7269 & 5433, recorded in Deed Book 1272, Page 422; and currently owned by David Alan Sanders, from RS-2 Residential Single-family, Low Density District to RAD-OSP River Arts District - Open Space. A copy of the official zoning map showing said lots is attached hereto as Exhibit "A1" and made a part hereof, and amending the Future Land Use Map from

Residential Neighborhood to Parks/Open Space as shown on Exhibit D1 attached hereto and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed, to the extent of such conflict.

Section 5. The ordinances shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 6. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 10th of September, 2019.

Magdalen Burleson
City Clerk

Edwin G. Marc
Mayor

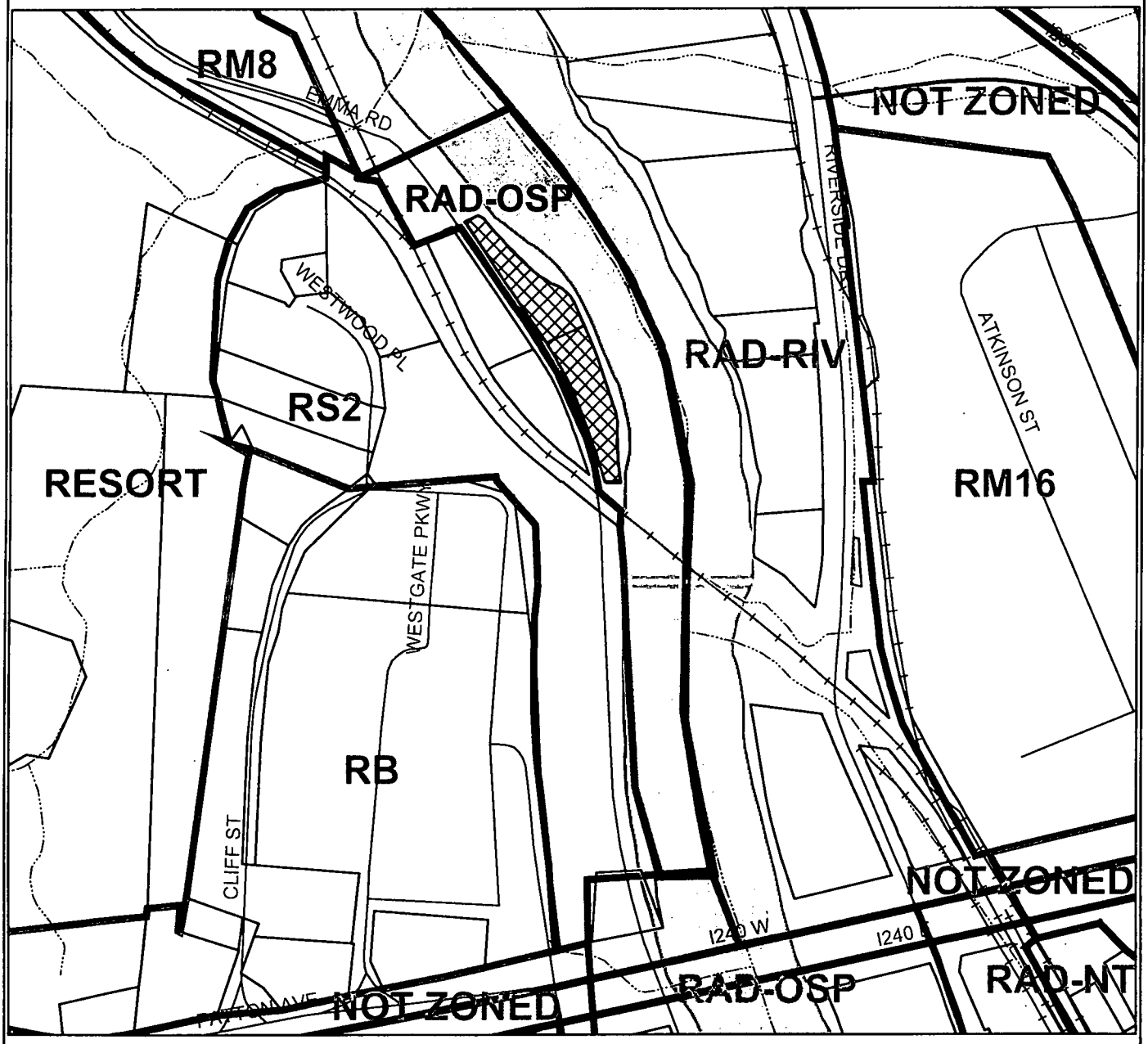
Approved as to form:

City Attorney

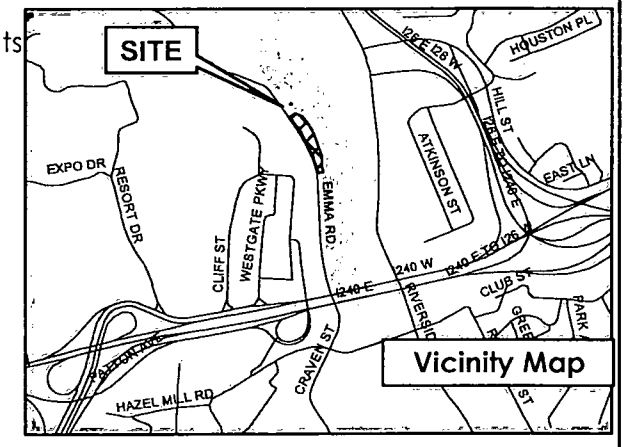
Magdalen Burleson
City Clerk

416.

City of Asheville - Exhibit A1 Proposed Zoning Map
Zoning Map Amendment (Rezoning)
120 & 99999 Emma Rd.



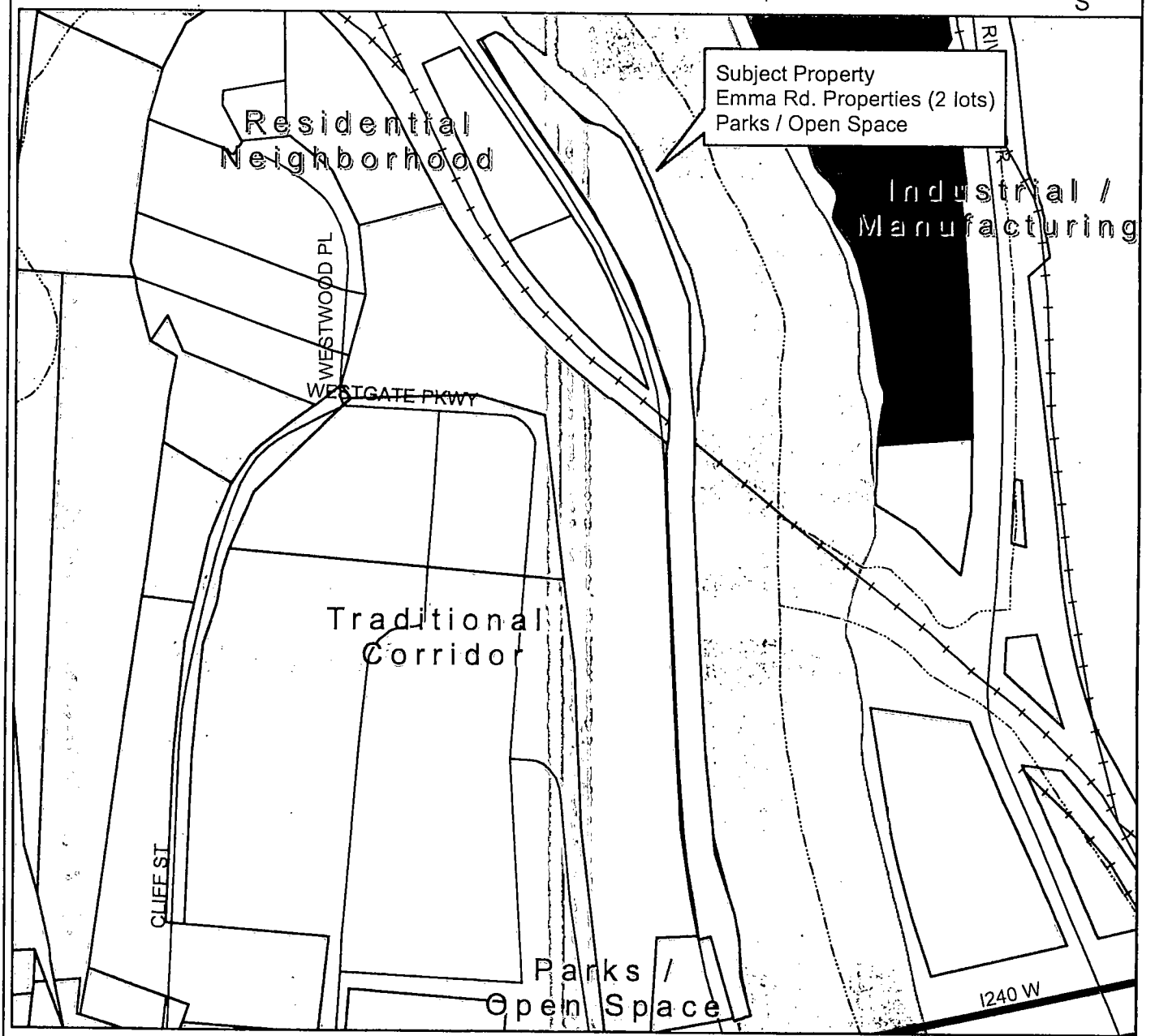
Project Name: Emma Rd. Rezoning - (p.o.) 2 Lots
Project Number: 19-04140 PZ
Project Description: Rezo from RS-2 to RAD-OSP
Petitioner(s): DeVonna Brown
Parcel ID Number(s): 9639-70-7269; 5433
Location/Address: 120 & 99999 Emma Rd.



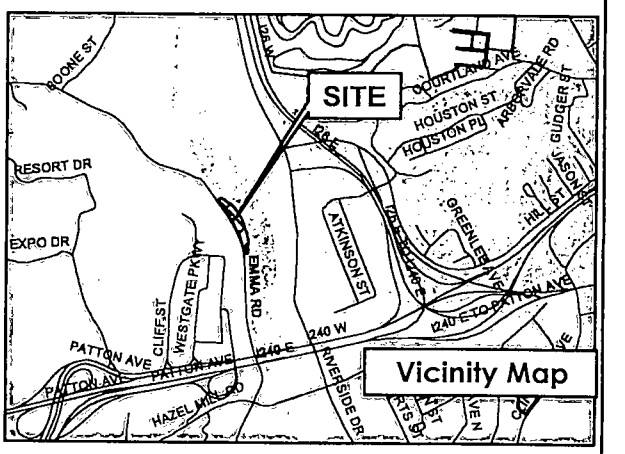
Project Site
Parcels
Zoning Districts
Asheville City Limits
Streets
Streams

City of Asheville Planning and Urban Design Department - July 2018

City of Asheville - Exhibit D1 Proposed Future Land Use Map
Zoning Text Amendment (Rezoning)
120 & 99999 Emma Rd.



Project Name: Emma Rd. Rezoning - (p.o.) 2 Lots
Project Number: 19-04140 PZ
Project Description: Rezo from RS-2 to RAD-OSP
Petitioner(s): DeVonna Brown
Parcel ID Number(s): 9639-70-7269; 5433
Location/Address: 120 & 99999 Emma Rd.



Project Site
Parcels
Zoning Districts
Asheville City Limits
Streets
Streams

City of Asheville Planning and Urban Design Department - July 2018

418

ORDINANCE NO. 4762

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Fiscal Year 2019-20 Budget Ordinance be amended to acquire real property from the North Carolina Department of Transportation (NCDOT) along Broadway & sale of the same property to Reed Creek Greenway Plaza, LLC for the development of an affordable, mixed-income community, in the amount of $70,575.

GENERAL FUND

Revenues:

Sale of Capital Assets - Land	$70,575.00
Total Revenues	$70,575.00

Appropriations:

Land	$70,575.00
Total Expenses	$70,575.00

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 24th day of September, 2019.

Magdalen Bourleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bourleson
City Clerk

ORDINANCE NO. 4763

AN ORDINANCE AMENDING ARTICLE II, DIVISION 1, SECTIONS 26 AND 28 OF APPENDIX C OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE

WHEREAS the City of Asheville has the authority under N.C. Gen. Stat. § 20-141 to regulate speed limits within its corporate limits; and

WHEREAS, the North Carolina Department of Transportation maintains SR 3556 (Amboy Road) and has determined through a traffic-engineering study that the speed limit for SR 3556 (Amboy Road) should be reduced from 45 miles per hour to 35 miles per hour; and

WHEREAS the City Council has concurred with the North Carolina Department of Transportation that the speed limit for SR 3556 (Amboy Road) should be reduced from 45 miles per hour to 35 miles per hour; and

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

Section 1: That Article II, Division I, Section 28 of Appendix C of the Code of Ordinances of the City of Asheville (Speed Limits – Forty-five miles per hour, State system) be amended to remove:

Amboy Road (SR 3556), from I-240 to Meadow Road (SR 3556)

Section 2: That Article II, Division I, Section 26 of Appendix C of the Code of Ordinances of the City of Asheville (Speed Limits – Thirty-five miles per hour, State system) be amended to include:

Amboy Road (SR 3556), from I-240 to Meadow Road (SR 3556)

Section 3: That all Ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed.

Section 4: That this Ordinance shall be in full force and effect upon adoption by the City of Asheville and the erection of signs giving notice of the authorized speed limit.

Read, approved and adopted this 24th day of September, 2019.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

420

ORDINANCE NO. 4764

ORDINANCE AMENDING ZONING FOR PROPERTY LOCATED AT
940 WEST CHAPEL ROAD

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, the proposed amendment is to rezone the property from Neighborhood Business (NB) to Residential Single-Family High Density District (RS-8) and the rezoning is also deemed an amendment to the City's Future Land Use Map from Neighborhood Center to Traditional Neighborhood; and

WHEREAS, this proposed amendment is consistent with the Living Asheville Comprehensive Plan, Smart Growth policies, and other official plans of the City, and is determined to be reasonable, is in the public interest, and meets the development needs of the community for the following reasons:

a. Supports the redevelopment of the land;

b. Assigns a zoning designation that is compatible with the surrounding properties; and

c. Allows for the construction of single family homes that are compatible with the surrounding neighborhood.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

The zoning classification of that certain real property described in Exhibit A and identified on Buncombe County tax maps as PINs 9647-94-6312, recorded in Deed Book 5523, Page 0481; and currently owned by JCS III

LLC, from Neighborhood Business (NB) to Residential Single-family, High Density (RS-8). A copy of the official zoning map showing said lots is attached hereto as Exhibit "A1" and made a part hereof, and amending the Future Land Use Map from Neighborhood Center to Traditional Neighborhood as shown on Exhibit "C2" attached hereto and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed, to the extent of such conflict.

Section 5. The ordinances shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 6. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 24th of September, 2019.

Magdalen Burleson
City Clerk

Esther G. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

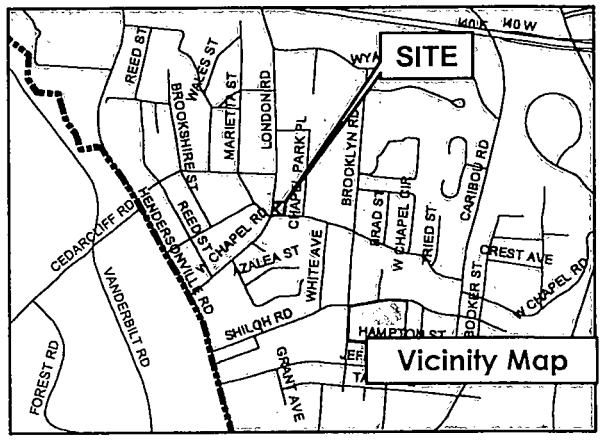
422

THE CITY OF ASHEVILLE

Exhibit A1 Proposed Zoning Map
Rezoning Petition
940 West Chapel Road

N
W E
S

Project Name: West Chapel Hill Road Rezoning
Project Number: 19-05014 PZ
Project Description: Rezoning from Neighborhood Business to RS-8
Petitioner(s): Carr Swicegood
Parcel ID Number(s): 9647-94-6312
Location/Address: 940 West Chapel Road



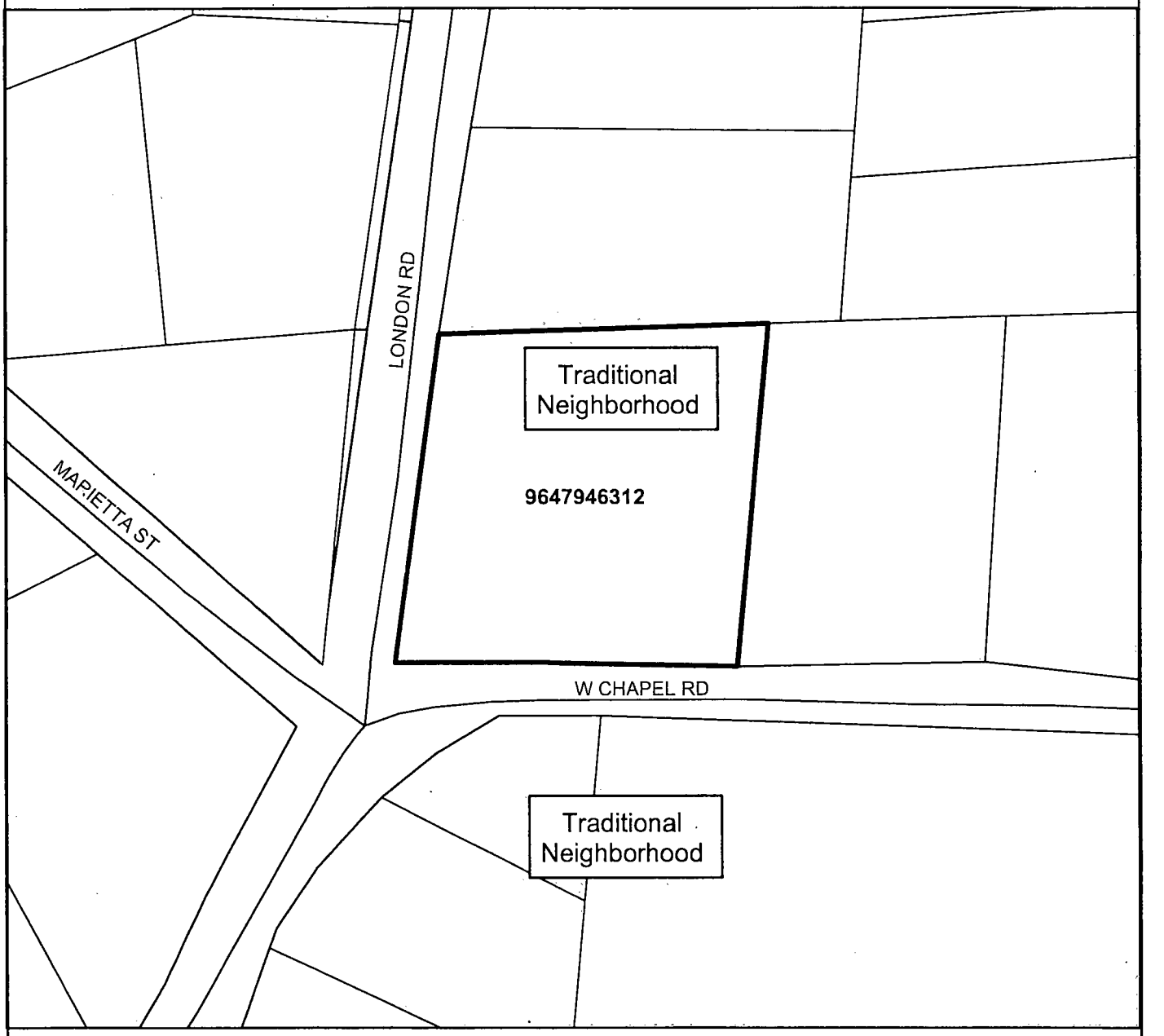
Project Site
Parcels
Zoning Districts
Asheville City Limits
Streets
Streams

City of Asheville Planning and Urban Design Department - July 2019

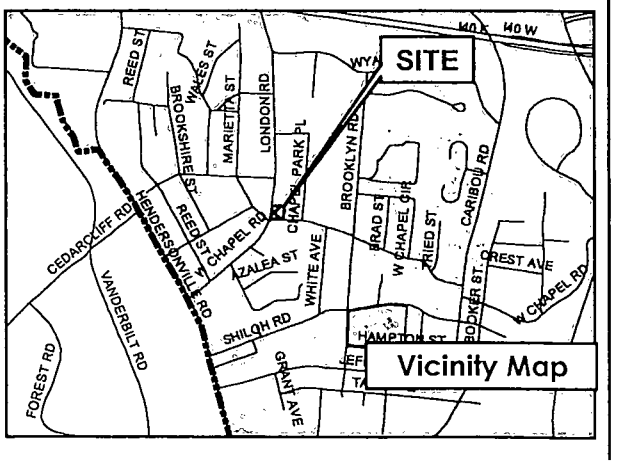
THE CITY OF ASHEVILLE

Exhibit C2 Proposed Future Land Use Map
Rezoning Review
940 West Chapel Road

N
W E
S



Project Name: West Chapel Hill Road Rezoning
Project Number: 19-05014 PZ
Project Description: Rezoning from Neighborhood Business to RS-8
Petitioner(s): Carr Swicegood
Parcel ID Number(s): 9647-94-6312
Location/Address: 940 West Chapel Road



Project Site
Parcels
Zoning Districts
Asheville City Limits
Streets
Streams

City of Asheville Planning and Urban Design Department - July 2019

424

ORDINANCE NO. 4765

ORDINANCE AMENDING ZONING FOR PROPERTY LOCATED AT 99999 LAKESIDE DRIVE

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this proposed amendment is consistent with the Living Asheville Comprehensive Plan, Smart Growth policies, and other official plans of the City, and is determined to be reasonable and in the public interest for the following reasons:

a. Allows for flexibility for infill residential development,
b. Assigns a zoning designation that is consistent with the existing development pattern of the neighborhood,
c. Preserves the integrity of an existing stream buffer and limits environmental impacts.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

The zoning classification of that certain real property described in Exhibit A and identified on Buncombe County tax maps as PIN 9628-13-2010, recorded in Deed Book 5679, Page 1326; and currently owned by Asheville West LLC, from Residential Single-family, Medium Density (RS-4) to Residential Multi-family, Medium Density (RM-8). A copy of the official zoning map showing said lots is attached hereto as Exhibit "A1" and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed, to the extent of such conflict.

Section 5. The ordinances shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 6. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 24th of September, 2019.

Magdalen Burleson
City Clerk

Mayor

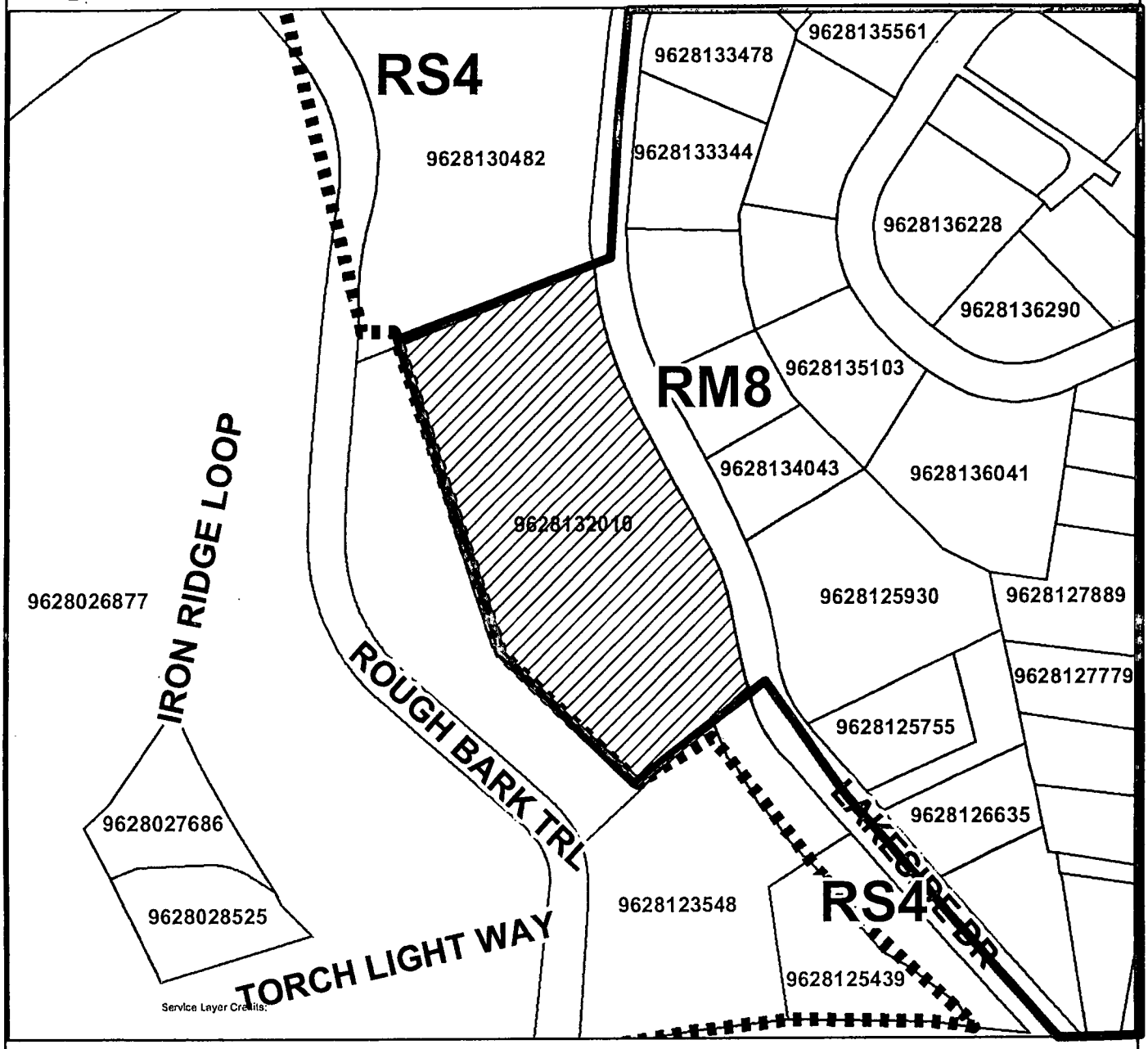
Approved as to form:

City Attorney

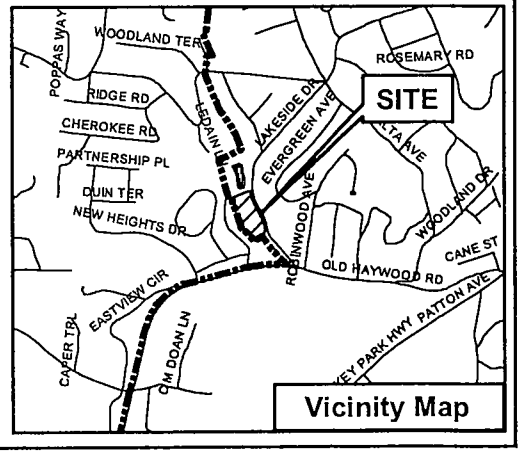
Magdalen Burleson
City Clerk

426

City of Asheville - Exhibit A1 Map
Rezoning - 99999 Lakeside Drive



Project Name:	Lakeside Drive Rezoning
Project Number:	19-06174 PZ
Project Description:	Rezoning (From RS4 to RM8)
Petitioner(s):	Roger Burgin
Parcel ID Number(s):	9628-13-2010
Location/Address:	99999 Lakeside Drive



Project Site
Zoning Districts
Parcels
Streets
Asheville City Limits
River Areas

City of Asheville Planning and Urban Design Department - August 2019

ORDINANCE NO. 4766

ORDINANCE IMPOSING A TEMPORARY MORATORIUM ON NEW HOTEL DEVELOPMENT

WHEREAS, North Carolina General Statute 160A-381(e) authorizes cities to adopt a temporary moratorium on development approvals of reasonable duration to allow for development of regulations for a particular use;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. A temporary moratorium is hereby imposed commencing September 24, 2019 and expiring no later than September 24, 2020, on the approval of new hotel development within the City of Asheville. This moratorium specifically includes "Hotel, extended stay", "Hotel, large" and "Hotel, small" as defined in Chapter 7, Article I, Section 7-2-5 of the Asheville City Code.

Section 2. In compliance with the requirements of North Carolina General Statute 160A-381(e), the following statements are included in this ordinance:

(1) The problems or conditions necessitating the moratorium are those attendant to the recent influx the City has seen in new hotel development applications. Since 2015, 1,344 hotel rooms have opened in the City out of 2,761 total rooms that have been approved. Of those 2,761 rooms, approximately 39% have been approved in the Central Business District. In 2017, Buncombe County attracted 11.1 million visitors, including 3.9 million overnight guests. The Living Asheville Comprehensive Plan Assessment Report (Appendix A) further notes that Accommodation and Food Service, which includes lodging, is a key industry sector in the City with a location quotient higher than the national average.

The City finds that it presently lacks a clear development strategy regarding hotels, and needs to develop a set of review criteria that allows the City to account for the negative impacts of proposed hotel developments. These negative impacts include, but are not limited to: (a) the overburdening of City infrastructure as a result of hotels being clustered downtown, (b) the quality of hotel developments including design, (c) lower than average wages paid by hotel employers; (d) the displacement of certain alternative land uses by hotel projects, including affordable housing and office uses; and (e) impacts on the property values of properties adjacent to hotels. Further, the lack of direction in the Asheville City Code and Living Asheville Comprehensive Plan for evaluating hotel uses results in uncertainty for developers, staff and community members, while these current conditions have resulted in an adversarial and sometimes hostile climate in the community.

As an alternative to the moratorium, immediate changes to the Asheville City Code and its Uniform Development Ordinances to further regulate hotel uses were considered. The City has determined that it is not appropriate to proceed with immediate regulatory changes, however, as it requires an improved understanding of the quantifiable impacts of new hotel development, and best practices for reviewing hotel developments, before the City can identify the changes needed to enhance its land use policies, tools and strategies, and provide clearer direction to applicants of new hotel developments. The City has further concluded that the only adequate

means by which to obtain sufficient information regarding the particularized impact of new hotel developments in Asheville is to commission an outside study of those impacts.

(2) The development approvals subject to the moratorium are the approval of "Hotel, extended stay", "Hotel, large" and "Hotel, small" as defined in Chapter 7, Article I, Section 7-2-5 of the Asheville City Code. The moratorium will allow the City of Asheville to address the stated problems or conditions by allowing the City to analyze the impacts, appropriate geographical context and design, best practices from other cities, current supply and future demand of hotels. This analysis will provide time for the City to prepare appropriate regulations and effectively respond and provide some level of certainty to hotel development applications, and to better determine acceptable hotel development proposals.

(3) The moratorium will terminate not later than September 24, 2020. The duration of the moratorium is reasonably necessary to address the problems or conditions leading to imposition of the moratorium, in that it will provide sufficient time for the City of Asheville to contract with outside consultants, analyze and quantify the impacts of new hotel developments in the City, and develop and approve appropriate land use policies, strategies, tools and regulations to apply to new hotel development. This duration is further necessary in order to allow for public engagement, and to allow a review of recommended land use and zoning changes by the City's Planning and Zoning Commission, Planning and Economic Development Council subcommittee, and ultimately by the full City Council itself.

(4) During the duration of the moratorium, the following actions are proposed to be taken by the City to address the problems or conditions leading to the imposition of the moratorium: Phase 1 (three months): (a) contract with outside expertise as needed to facilitate two community engagement sessions; (b) conduct analysis and overview of the hotel industry, including national and local trends; (c) assess impacts of hotel development on City infrastructure, services and the economy; (d) research and present best practices, policies, strategies and tools from other jurisdictions; (e) prepare an initial report of these findings for management and regulation of new hotel development; Phase 2 (up to nine months): (f) create a community engagement plan that would likely entail establishing a stakeholders group and hosting community forums throughout the City to solicit input on possible policy recommendations, strategies and tools; (g) conduct any necessary supplemental research and analysis of policies, strategies and tools; (h) draft recommendations for Council consideration; and, (i) act on recommendations and any new regulatory changes.

Section 3. The moratorium will terminate sooner than September 24, 2020 upon the adoption of an ordinance, after the effective date of this ordinance, which establishes zoning regulations related to hotel development.

Section 4. Notwithstanding anything herein to the contrary, the moratorium may be subsequently renewed or extended in accordance with the provisions of North Carolina General Statute 160A-381(e).

Section 5. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 6. Any part of provision of this ordinance found by a court of competent jurisdiction to be in violation of the Constitution or laws of the United States or North Carolina is hereby deemed severable and shall not affect the validity of the remaining provisions of the ordinance.

Section 7. This ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 24th of September, 2019.

Magdalen Bourleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bourleson
City Clerk

ORDINANCE NO. 4767

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Fiscal Year 2019-20 Budget Ordinance be amended to provide an appropriation of $60,531.00 to accept a grant from the Department of Justice for the 2019 Edward Byrne Justice Assistance Grant (JAG) as follows:

SPECIAL REVENUE FUND

Revenues:

Federal Grants	$60,531.00
Total Revenues	$60,531.00

Appropriations:

Supplies - Safety Equipment	$47,573.00
Awarded Grants	$12,958.00
Total Appropriations	$60,531.00

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 22nd day of October, 2019.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

ORDINANCE NO. 4768

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Fiscal Year 2019-20 Budget Ordinance be amended to provide an appropriation of $5,000.00 to accept a State grant from the Governor's Highway Safety Program, Bike/Safe NC 2020, Year 1 Grant as follows:

SPECIAL REVENUE FUND

Revenues:

Federal Grants	$5,000.00
Total Revenues	$5,000.00

Appropriations:

Training	$5,000.00
Total Appropriations	$5,000.00

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 22nd day of October, 2019.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

432

ORDINANCE NO. 4769

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Fiscal Year 2019-20 Budget Ordinance be amended to provide an appropriation of $285,416.00 to accept a Federal grant from the Executive Office of the President, Office of National Drug Control Policy for the Asheville High Intensity Drug Trafficking Areas 2019 Grant as follows:

SPECIAL REVENUE FUND

Revenues:

Federal Grants	$285,416.00

Appropriations:

Overtime, Travel, Services and Supplies	$285,416.00

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 22nd day of October, 2019.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

ORDINANCE NO. 4770

ORDINANCE AMENDING CITY OF ASHEVILLE'S DANGEROUS WEAPONS ORDINANCE

WHEREAS, North Carolina General Statute 160A-174(a) authorizes cities to adopt ordinances that define, prohibit, regulate, or abate acts, omissions, or conditions, detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the city; and

WHEREAS, cities in North Carolina are authorized to regulate firearms specifically, subject to the limitations contained in North Carolina General Statute 14-409.40; and

WHEREAS, the City of Asheville has determined that it is necessary and advisable to revise its dangerous weapons ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. Sections 12-42 and 12-43 of the Asheville City Code is hereby repealed in their entirety, and replaced by a new Section 12-42, reading as specified in Section 2 of this Ordinance.

Section 2. The City Council hereby adopts Section 12-42 of the City Code, reading as follows:

(A) **Prohibition.**

(1) *Weapons on City Property.* It shall be unlawful for any person to willfully and intentionally carry, possess, or have within his or her immediate access any dangerous weapon or firearm while in public-owned buildings, on the grounds or parking areas of those buildings, or in public parks or recreation areas.

(2) *Weapons on City Buses.* It shall be unlawful for any person to willfully and intentionally carry, possess, or have within his or her immediate access any dangerous weapon while riding a City bus.

(3a) *Carrying a Concealed Handgun by Permit (CCHP).* In accordance with N.C.G.S. §14-415.23, the prohibition set forth in subsection (A)(1) shall apply to CCHP in all buildings and on their appurtenant premises that are owned, leased as lessee, or otherwise temporarily controlled by the city which are appropriately posted as such in compliance with §14-415.11(c).

(3b) *Posting against CCHP.* In the discretion of the City Manager, a posting to prohibit CCHP is hereby authorized to be made in all buildings and their appurtenant premises that are owned, leased as lessee, or otherwise temporarily controlled by the city in compliance with N.C.G.S. §14-415.11(c).

(3c) *Prohibiting CCHP at Recreational Facilities.* In accordance with N.C.G.S. §14-415.23, the prohibition set forth in subsection (A)(1) shall apply to CCHP at any

recreational facility identified in Appendix G. The list of facilities in Appendix G shall be reviewed regularly by the city manager and updated as necessary

(B) **Definitions.**

For purposes of this section, the following terms shall be defined as set forth below:

I. *Dangerous Weapon*: Any object, substance, or device, other than a firearm, designed or intended to be used to incapacitate or inflict serious injury upon persons or property, including any object defined as a deadly weapon by N.C.G.S §14-269 and also including, but not limited to:

- pellet guns or any other mechanism or device designed or used to project a missile by compressed air or mechanical action with less than deadly force;
- Bows and arrows, including crossbows or any other device designed to discharge a projectile through any combination of limbs, strings, cables, pulleys, or cams.
- knives of any kind or type having a blade in excess of 3½ inches in length;
- clubs, blackjacks, batons and nightsticks;
- dynamite, bombs, grenades, mines or any other explosive, corrosive, inflammable, or radioactive substance of any kind;
- slingshots and blowguns or any other device designed or used to project a missile through mechanical or physical means;
- electronic weapons of any type including tasers, stun guns, or any other device designed or used to emit current, impulse, wave, beam, sound, vibration, or any form of energy in such a way so as to incapacitate, injure, or affect the behavior of another;
- chemical weapons of any type including mace, pepper spray, or any other device designed or used to emit any substance in such a way so as to incapacitate, injure, or control the behavior of another.

II. *Firearm*: – A handgun, shotgun, or rifle which expels a projectile by action of an explosion

III. *Carrying a Concealed Handgun by Permit (CCHP)*: The lawful carry of a handgun in a concealed manner in complete accordance with the requirements of N.C.G.S. Chapter 14 Article 54B by a person holding a valid concealed handgun permit issued pursuant to the same Article of law, or such permit issued by another State which is in reciprocity with North Carolina.

(C) **Applicability.**

This Section shall not apply to any circumstance or instance of dangerous weapon or firearm possession that has been preempted from local government regulation by N.C.G.S. 14-409.40 or 14-415.23. Additionally, this Section shall not apply to the following circumstances or persons while acting lawfully and within the scope of their duties and authority:

(1) Officers of the United States federal government, the State of North Carolina, or of any county, city, town, or company police agency charged with the execution of the laws of the State, when acting in the discharge of their official duties.

(2) Sworn law-enforcement officers, when off-duty, provided that an officer carries the weapon concealed and does not carry a weapon while consuming alcohol or an unlawful controlled substance or while alcohol or an unlawful controlled substance remains in the officer's body.

(3) Officers and enlisted personnel of the Armed Forces of the United States when in discharge of their official duties as such and acting under orders requiring them to carry arms and weapons.

(4) Officers and soldiers of the militia and the National Guard when called into actual service.

(4) Persons specifically authorized or required by state or federal law to carry firearms in the performance of their jobs.

(5) Nothing in this Section shall prohibit a person from possession a knife with a blade in excess of 3½ inches when used solely for preparation of food, instruction or maintenance; or razors and razor blades when used solely for personal shaving.

(6) Nothing in this Section shall prohibit a person from storing a firearm within a motor vehicle while the vehicle is on the grounds or parking areas of a public-owned building, public park, or recreation area.

(7) Any other person authorized, in writing, by the city manager or his designee to carry or possess dangerous weapons while in or upon specified public property. The city manager may promulgate guidelines for the issuance of permits for the possession of dangerous weapons on public property. The purpose of the guidelines shall be to ensure that permits are issued only for lawful purposes and in circumstances which present no threat to the safety and welfare of any person.

(8) This Section shall not prohibit the lawful possession or carrying of dangerous weapons on the public streets and sidewalks.

Section 3. The revision to Section 12-42 of the City Code specified herein shall be effective immediately upon adoption by City Council.

Read, approved and adopted this 22nd day of October, 2019.

Magdalen Bouleson
City Clerk

Esther G. Martinez
Mayor

Approved as to form:

City Attorney

Magdalen Bouleson
City Clerk

ORDINANCE NO. 4771

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Fiscal Year 2019-20 Budget Ordinance be amended to provide an appropriation of $517,767.00 in the Transit and Transit Capital Projects Funds to accept Section 5307 grant funding from the Federal Transit Administration and to fund pass-through grants to sub-recipients as follows:

TRANSIT FUND

Revenues:

Restricted Intergovernmental Federal Grants	$178,566.00
Total Revenues	$178,566.00

Appropriations:

Transit Operations Charge	$128,276.00
Personnel Expenses	$50,290.00
Total Appropriations	$178,566.00

TRANSIT CAPITAL PROJECTS FUND

Revenues:

Restricted Intergovernmental Federal Grants	$339,201.00
Total Revenues	$339,201.00

Appropriations:

Transit Pass Through Grant	$339,201.00
Total Appropriations	$339,201.00

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 22nd day of October 2019.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

ORDINANCE NO. 4772

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Fiscal Year 2019-20 Budget Ordinance be amended to provide an appropriation of $250,000 as a donation from the Deerfield Episcopal Retirement Community, Inc. as follows:

HOUSING TRUST FUND

Revenues:

Private Donations	$250,000.00
Total Revenues	$250,000.00

Appropriations:

Awarded Loans	$250,000.00
Total Appropriations	$250,000.00

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 22nd day of October, 2019.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

ORDINANCE NO. 4773

ORDINANCE ESTABLISHING CONDITIONAL ZONING FOR PROPERTY LOCATED AT 213 LONG SHOALS ROAD; 420, 440, 439, 99999, 433 AND A PORTION OF 403 OVERLOOK ROAD EXT

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this proposed amendment is consistent with the *Living Asheville - A Comprehensive Plan for our Future* and is determined to be reasonable, and in the public interest for the following reasons:

a) The Future Land Use category of the Living Asheville Comprehensive Plan, Urban Corridor, is appropriate and supportive of this higher density residential use;
b) The project provides pedestrian connections along Long Shoals Road and Overlook Road Extension; and
c) The proposal is aligned with multiple strategies found in the city's comprehensive plan supporting multi-modal access and transportation.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

The zoning classification of that certain real property described in Exhibit A and identified on Buncombe County tax maps as PINs 9644-69-4238, 9644-68-7922, 9644-68-5885, 9644-68-4985, 9644-69-4071, 9644-69-5091 and a portion of 9644-69-6391, and, recorded in Deed Book 1657, Page 27; Book 5696, Page 0726; Book 5696, Page 0723; Book 1833, Page 0312; Book 1945, Page 0355; Book 5642, Page 1776 and Book 5266, Page 1380 and currently owned by Asheville Pentecostal Holiness Church, C&B Toothland of Overlook Ext LLC, C&B Toothland of Lake Julian, LLC, Kenneth R and Toni O Mahaffey, and Linda Gipson,

from Community Business II District (CBII) to Residential Expansion District Conditional Zone (RES EXP CZ). A copy of the official zoning map showing said lots is attached hereto as Exhibit "A.1" and made a part hereof. Said rezoning is subject to the conditions set out in Exhibit "B.1", and substantially compliant with the site plan(s) as shown on Exhibit C attached hereto and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. The ordinances shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 5. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 22nd day of October, 2019.

Magdalen Burleson
City Clerk

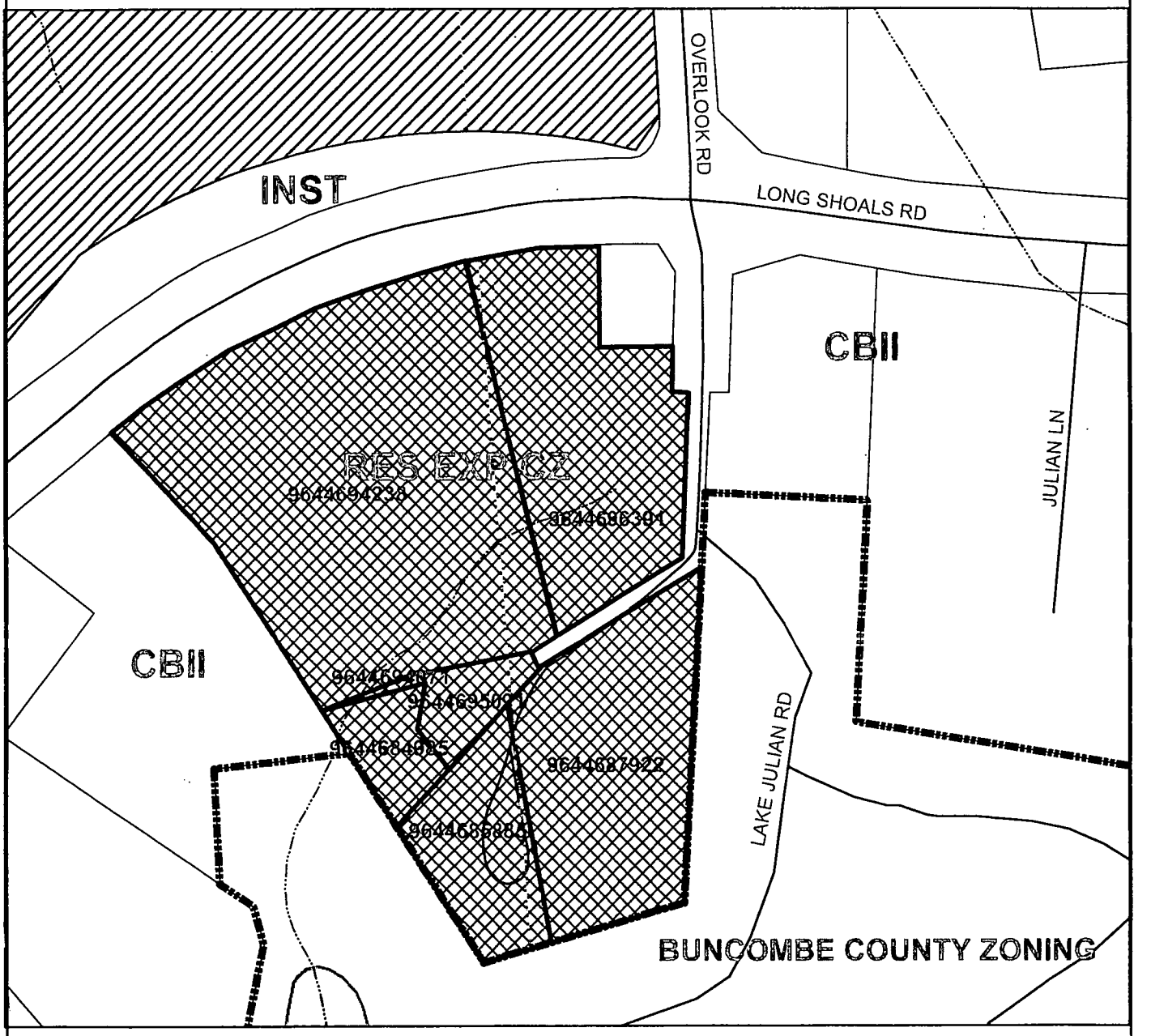
Esther E. Manheimer
Mayor

Approved as to form:

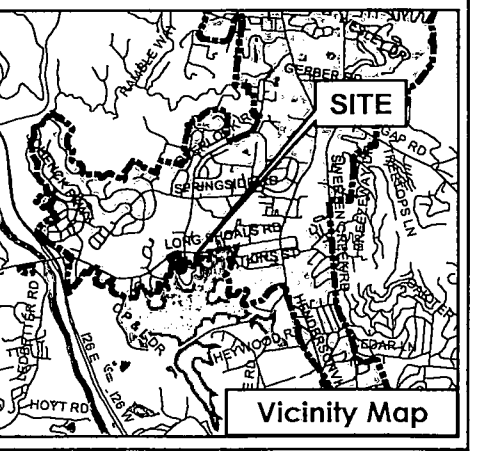
City Attorney

Magdalen Burleson
City Clerk

City of Asheville - Exhibit A1 Map
Conditional Zoning - Julian Woods Retirement Community



Project Name:	Julian Woods Retirement Community
Project Number:	19 - 03834 PZ
Project Description:	CZ from CBII to RES EXP CZ
Petitioner(s):	Brett Hammonds
Parcel ID Number(s):	9644-69-4238; -4071; -5091; (a portion of) 9644-69-6391 9644-68-7922; -5885; -4985,
Location/Address:	213 Long Shoals Road 403, 420, 440, 433, 439 & 99999 Overlook Road Ext



Project Site | Parcels | Asheville City Limits
Zoning Districts | Streets | River Areas

City of Asheville Planning and Urban Design Department - August 2019

EXHIBIT B.1 CONDITIONS - Julian Woods

1. The zoning for the parcels at 213 Long Shoals Road; 420, 440, 439, 99999, 433 and a portion of 403 Overlook Road Ext (PINs 9644-69-4238, 9644-68-7922, 9644-68-5885, 9644-68-4985, 9644-69-4071, 9644-69-5091 and a portion of 9644-69-6391) is Residential Expansion District Conditional Zone.

2. The new building will have 130 residential units and limited amenities for residents (but not open to the general public) such as, but not limited to, a salon, chapel and fitness center. The building is three-stories, maximum 44 feet in height and 179,400 square feet in size.

3. The project includes two driveways, the primary access point from Overlook Road Extension and a secondary driveway from Long Shoals Road. Throughout the site a total of 133 parking spaces are provided; 103 surface spaces and 30 spaces housed in single-story, freestanding garage structures.

4. The project provides a ten foot wide sidewalk behind a five foot grass strip along Long Shoals Road and a ten foot wide sidewalk at the back of curb along the Overlook Road Extension frontage. The internal walkways are a minimum of five feet wide throughout the site.

5. At least 1.24 acres of open space is provided on the site as shown on plans and includes common amenities. The project also provides pedestrian access to Lake Julian Park to meet open space standards.

6. Landscaping will be provided on the site according to standards required by Section 7-11-3 of the UDO and as shown on site plans. Retaining walls will be screened according to landscaping requirements in Section 7-10-5 of the UDO.

7. Signage shall be permitted separately and shall be limited to one ground mounted sign at each of the two driveways, each with a maximum height of five feet and a maximum length of 13 feet for the overall structure. The primary sign face will not exceed 33 square feet each side and the secondary sign face will not exceed 25 square feet each side, as shown on the signage plan included herein by reference.

8. The building design, site design and orientation on site must substantially comply with the approved site plan and elevations which are incorporated herein by reference. Any major deviations from these plans will require a rezoning.

9. All legally required local, state, and federal permits and approvals must be obtained prior to initiation of construction and any pertinent legal requirements shall be met.

10. The conditional zoning will be valid for a period of two years from the date of approval by City Council. If a building permit is not obtained within two years, the approval will no longer be valid.

SITE DATA:

1. PROJECT NAME: JULIAN WOODS RETIREMENT COMMUNITY
2. OWNER: SEE PROPERTY IDENTIFICATION TABLE BELOW.

DEVELOPER:
CAMERON GENERAL CONTRACTORS
7101 S. 8200 STREET
LONDON, KY 40519
PHONE: (423) 420-3240
CONTACT: BOB LEWIS
E-MAIL: BLEWIS@CAMERONGENERALCONTRACTORS.COM

3. ENGINEER:
BOWMAN CONSULTING GROUP
3951 WESTERN PARKWAY, STE. 150
HOPEWELL, VA 23333
PHONE: (804) 418-3240
CONTACT: BRETT HAMMONDS, P.E.
E-MAIL: BHAMMONDS@BOWMANCOLLC.COM

SURVEYOR:
ED HOLMES & ASSOCIATES LAND SURVEYORS, PA
300 ROCKFIELD CT. STE. 301
ASHEVILLE, NC 28806
PHONE: (828) 225-6552
CONTACT: MARTY BARNES, P.L.S.
E-MAIL: MARTY@EDHOLMESSURVEYING.COM

4. ZONING:
EXISTING: COMMUNITY BUSINESS II (CBII)
PROPOSED: RESIDENTIAL EXPANSION DISTRICT (RES EXP)

5. AREA CALCULATIONS:
PARCEL ASSEMBLAGE AREA = ±8.24 AC.
R/W AREA TO BE ABANDONED = ±0.06 AC.
AREA TO BE ZONED RESIDENTIAL EXPANSION = ±8.32 AC.
DISTURBED AREA = ±8.32 AC.

Area Calcudation revised to remove newly subdivided parcel

6. STREET ADDRESS AND PARCEL #:
SEE PROPERTY IDENTIFICATION TABLE BELOW.

7. PROPOSED USE:
DWELLINGS – MULTIFAMILY

8. LOT SIZE:
REQUIRED MINIMUM LOT SIZE: 1 AC. — PROVIDED LOT SIZE: ±8.32 AC.
REQUIRED MINIMUM LOT WIDTH: 40' — PROVIDED LOT WIDTH: ±460'
MAXIMUM LOT SIZE: N/A

9. DENSITY:
MAXIMUM ALLOWABLE = 20 DU/AC.
PROVIDED = 20.7 DU/AC.

10. STRUCTURE SITE STANDARDS:
RESIDENTIAL: N/A
OTHER: N/A

11. BUILDING HEIGHT:
MAXIMUM ALLOWED: 60'
PROPOSED MAIN BUILDING HEIGHT: 44.27'
PROPOSED GARAGE HEIGHT: 8.71'

12. PARKING SCHEDULE:
A. # SPACES REQUIRED: 130
B. BASIS FOR PARKING CALCULATION:
1 SPACE PER UNIT (MINIMUM) = 130 SPACES REQUIRED
C. # SPACES PROVIDED: 133 TOTAL
30 GARAGE SPACES
103 SURFACE PARKING SPACES
D. # ACCESSIBLE SPACES PROVIDED: 8 SPACES (5 SURFACE, 1 GARAGE) INCLUDING 2 VAN ACCESSIBLE
E. BICYCLE PARKING REQUIRED: 5% OF TOTAL VEHICLE PARKING: 7 SPACES
8 BICYCLE SPACES PROVIDED

Proposed parking provided revised to 133 Total spaces; Bicycle Parking calculation added

13. BUILDING SETBACKS:
FRONT: 15'
SIDE: 15'
REAR: 15'

14. SITE COVERAGE CALCULATIONS:
OPEN SPACE
SEE SHEET 4 OF 4 PREPARED BY RIVER NORTH GROUP
IMPERVIOUS AREA = ±170,000 SF
CALCULATED IMPERVIOUS RATIO = ±0.52 OK
REQUIRED IMPERVIOUS RATIO = ≤0.60

15. PROPOSED MAXIMUM DRIVEWAY GRADE:
±7.5%

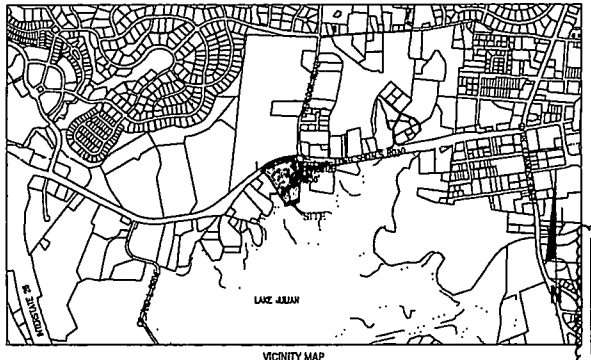
16. COMMON AREA:
REQUIRED = REFER TO SHEET 4 OF 4
PROVIDED = REFER TO SHEET 4 OF 4

17. CONSTRUCTION STAGING PLANS: ASIDE FROM NECESSARY DRIVEWAY TIE-INS AT THE LOCATIONS SHOWN, SIDEWALK IMPROVEMENTS ALONG THE R/W, CONSTRUCTION IS ANTICIPATED TO FULLY OCCUR WITHIN THE PROPOSED PARCEL. CONSTRUCTION STAGING WILL OCCUR WITHIN THE PARCEL DURING SITE & BUILDING OPERATIONS.

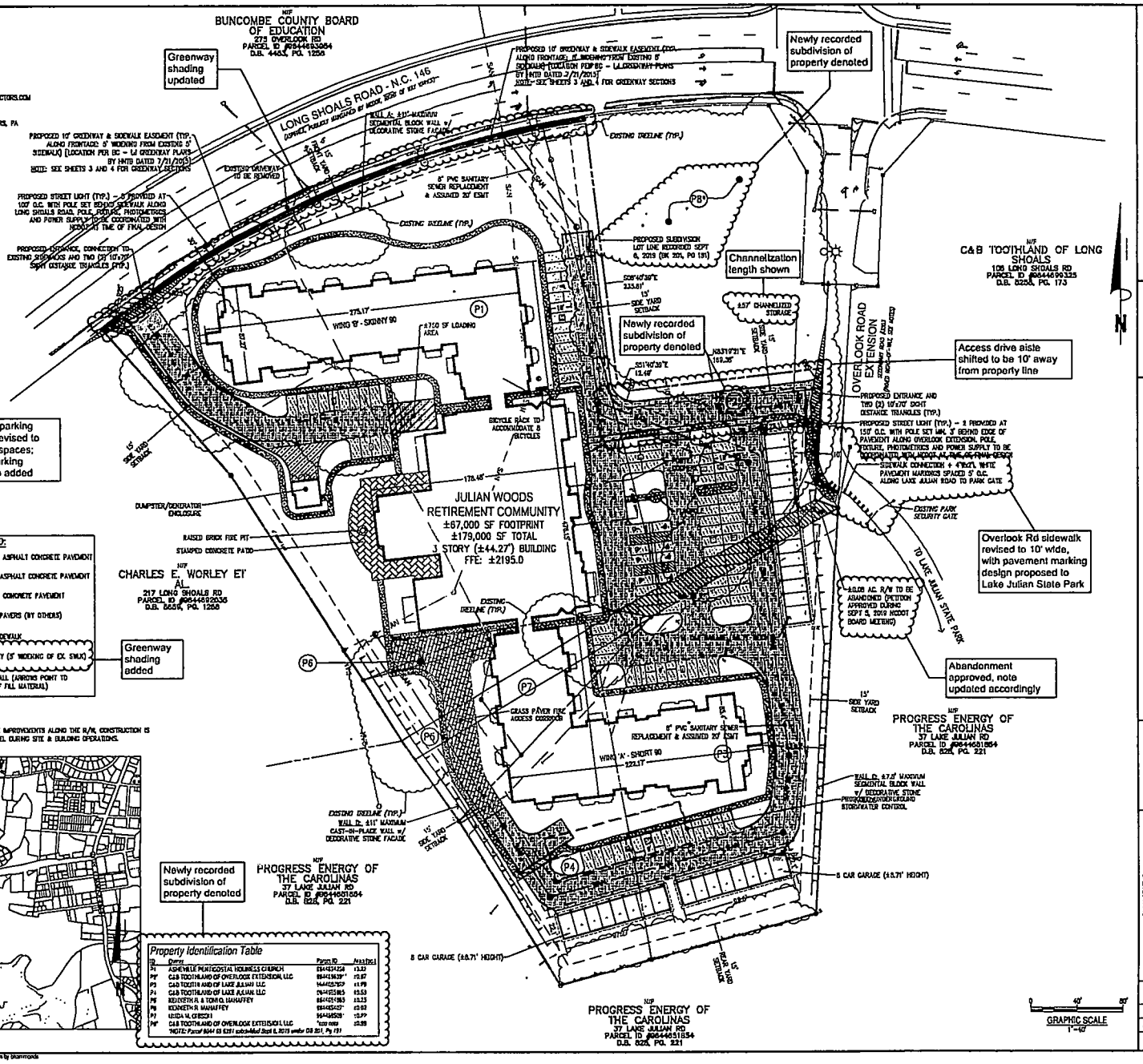
PROPOSED SITE LEGEND:

- HEAVY-DUTY ASPHALT CONCRETE PAVEMENT
- LIGHT-DUTY ASPHALT CONCRETE PAVEMENT
- HEAVY-DUTY CONCRETE PAVEMENT
- DECORATIVE PAVERS (BY OTHERS)
- CONCRETE SIDEWALK
- 10' GREENWAY (5' WIDENING OF EX. SWLK)
- RETAINING WALL (ARROWS POINT TO DIRECTION OF FILL MATERIAL)

Greenway shading added



VICINITY MAP
1"=1,000'



Property Identification Table

ID	Owner	Parcel ID	Area (±Ac.)
P1	ASHEVILLE PENTECOSTAL HOLINESS CHURCH	9644694258	13.32
P2	C&B TOOTHLAND OF OVERLOOK EXTENSION, LLC	9644696397	10.87
P3	C&B TOOTHLAND OF LAKE JULIAN LLC	9644697567	11.98
P4	C&B TOOTHLAND OF LAKE JULIAN LLC	9644695863	10.53
P5	KENNETH R. & TONI Q. MAHAFFEY	9644694863	10.13
P6	KENNETH R. MAHAFFEY	9644694407	10.93
P7	LINDA M. GREEN	9644695528	10.79
P8*	C&B TOOTHLAND OF OVERLOOK EXTENSION, LLC	*total area*	10.88

NOTE: Parcel 9644 69 5281 subdivided Sept 6, 2019 under DB 5611, Pg 191

Newly recorded subdivision of property denoted

Bowman CONSULTING

Project # 19-03834 PZ

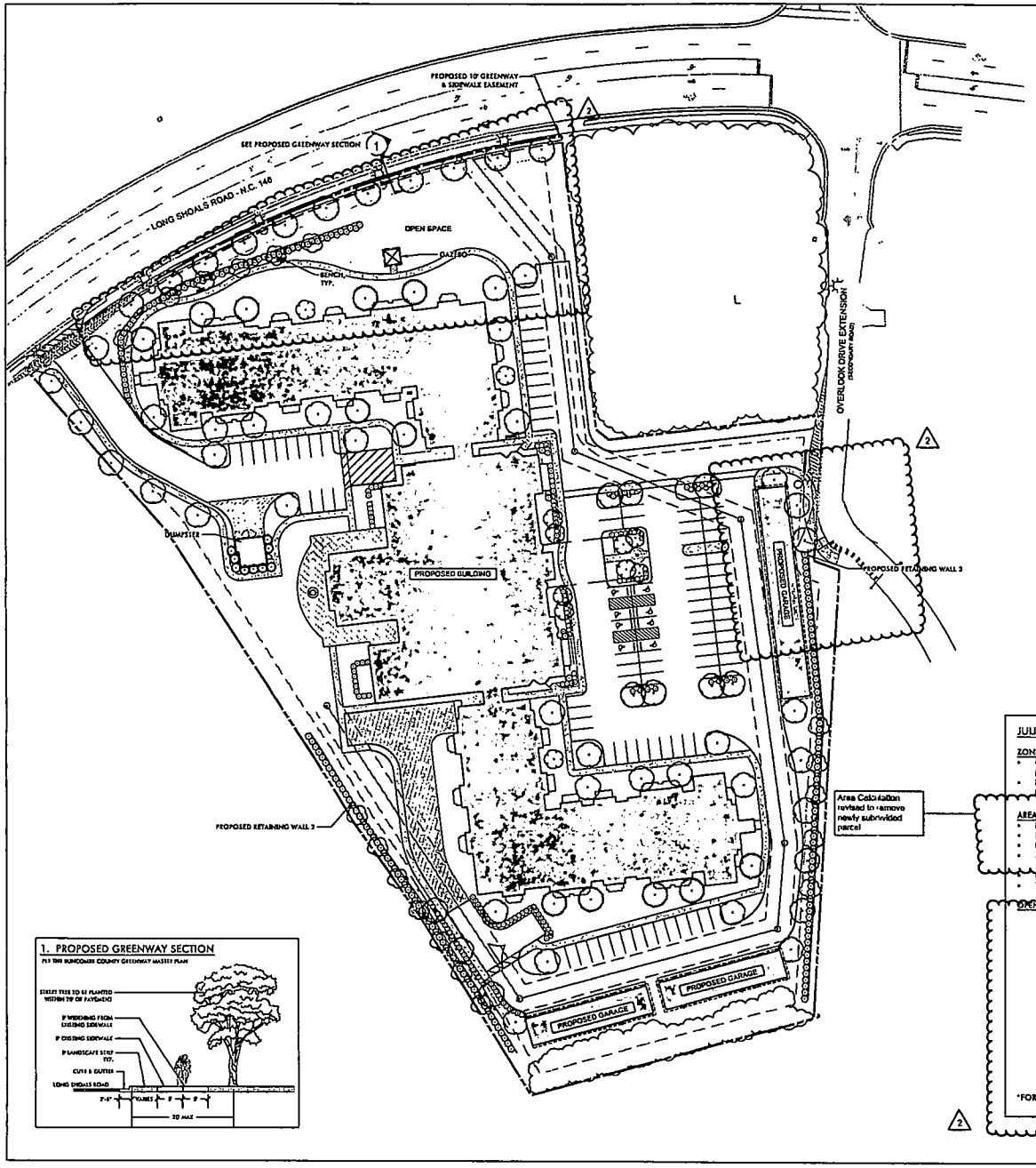
TRC CONCEPT PLAN - PROPOSED CONDITIONS
JULIAN WOODS RETIRMENT COMMUNITY
ASHEVILLE, NC
BUNCOMBE COUNTY — CITY OF ASHEVILLE

PLAN STATUS			
1	08/30/19	TRC RESUBMISSION FOR PRE-MEETING	
2	09/13/19	TRC RESUBMISSION FOR PRE-MEETING	

NO.	DATE	DESCRIPTION

BH DESIGN | SG DRAWN | KD CHKD
JOB No. 100212-01-001
DATE: 05-22-2019
SHEET 2 OF 4

Exhibit C
1063
443



Area Calculation revised to remove newly subdivided parcel

JULIAN WOODS RETIREMENT COMMUNITY LANDSCAPE REQUIREMENT CHART

OPEN SPACE			
REQUIREMENTS	LINEAR FOOTAGE/AREA	REQUIRED	PROPOSED
NET SF OF DRIVE SPACE PER UNIT OF 15% OF LOT AREA, WHICHEVER IS LARGER NET SF = TOTAL PARCEL AREA - BUILDING FOOTPRINT - DRIVE SPACE OF SITE TO CONNECTION TO ADJACENT PARKLAND	6.32 AC - 1.15 AC - 0.93 AC (1,373 SF) [(0.32 x 2.18 x 0.1) +] 0.38 AC (16,896 SF)	1.60 AC (69,800 SF)	-
	1.98 AC (85,800) - 25% = 1.12 AC (48,787 SF)	1.12 AC (48,787 SF)	1.34 AC (58,750 SF)
OPEN SPACE MAY BE SCATTERED THROUGHOUT THE SITE IN SPACES THAT ARE AT LEAST 2,000 AND ARE AT LEAST 24 FEET IN WIDTH UNLESS PART OF A GREENWAY SYSTEM. AT LEAST ONE COMMON OPEN SPACE WITH A MINIMUM AREA REQUIRED 1000 SQUARE FEET PER RESIDENTIAL UNIT WITH PARK OR PLAZA-TYPE FEATURES MUST BE PROVIDED.	130 DU x 1000 = 13,000 SF	13,000 SF	31,330 SF

TREE SAVE AREA			
REQUIREMENTS	LINEAR FOOTAGE/AREA	REQUIRED	PROPOSED
40% OF TOTAL SITE AREA.	6.32 x 40% = 2.53 AC (110,345 SF)	1.01 AC (43,560 SF)	3.86 AC (167,972 SF)
EACH ACRE OF DESIGNATED TREE SAVE AREA MUST BE PLANTED AT THE FOLLOWING RATE. (1-4) LARGE MATURING TREES - 2" CAL (7) LARGE MATURING TREES - 3" CAL (8) UNDERSTORY TREES - 1.5" CAL (36) LARGE MATURING SHRUBS - 18" HT OR 2GAL	1.01 x (1-4) LARGE MATURING TREES - 2" CAL (7) LARGE MATURING TREES - 3" CAL (8) UNDERSTORY TREES - 1.5" CAL (36) LARGE MATURING SHRUBS - 18" HT	(7) LARGE MATURING TREES - 3" CAL (14) LARGE MATURING TREES - 3" CAL (16) UNDERSTORY TREES - 1.5" CAL (108) LARGE MATURING SHRUBS - 18" HT	(18) LARGE MATURING TREES - 3" CAL (18) LARGE MATURING TREES - 3" CAL (18) UNDERSTORY TREES - 1.5" CAL (108) LARGE MATURING SHRUBS - 18" HT
TREE SAVE AREAS MAY BE DIVIDED INTO MORE THAN ONE POOL(S) PROVIDED NO SINGLE AREA IS LESS THAN 2,000 SF. OPEN, COMMON SPACE AREAS AND REQUIRED PERIMETER LINE PLANTING MAY BE INCLUDED IN THE REQUIRED TREE SAVE AREAS.			

BUILDING IMPACT LANDSCAPING			
REQUIREMENTS	LINEAR FOOTAGE/AREA	REQUIRED	PROPOSED
(1) TREE AND (5) SHRUBS FOR EVERY 1,000 SF OF BUILDING FOOTPRINT AREA. TREES AND SHRUBS MAY BE PLANTED ANYWHERE ON SITE.	69,336 LF/1000 = 69.34 69.34 x 1 = 70 TREES 69.34 x 5 = 139 SHRUBS	70 TREES 139 SHRUBS	70 TREES 139 SHRUBS

STREET TREES			
REQUIREMENTS	LINEAR FOOTAGE/AREA	REQUIRED	PROPOSED
(1) LARGE MATURING TREE (GREATER THAN 35 FEET IN HEIGHT AT MATURITY) FOR EVERY 40 LINEAR FEET OF PROPERTY ABUTTING A STREET	LONG SHOALS ROAD FRONTAGE : +/- 438/40 = 11 TREES	11 TREES	11 TREES
	OVERLOOK DRIVE EXTENSION FRONTAGE : +/- 350/40 = 9 TREES	9 TREES	9 TREES

RETAINING WALL PLANTING			
REQUIREMENTS	LINEAR FOOTAGE/AREA	REQUIRED	PROPOSED
FOR RETAINING WALLS 6-10' IN HEIGHT, A 5 FOOT WIDE PLANTING STRIP AT WALL BASE WITH 2 GALLON SIZED SHRUBS PLANTED FIVE FEET ON CENTER.	WALL 1: +/- 338 LF LINEAR FEET OF WALL OVER 10' : +/- 138 LF	84 SHRUBS 6 TREES	84 SHRUBS 6 TREES
FOR RETAINING WALLS 10-20' IN HEIGHT, A 8 FOOT WIDE PLANTING STRIP AT WALL BASE WITH 2 GALLON SIZED SHRUBS PLANTED FIVE FEET ON CENTER PLUS 1 LARGE MATURING LANDSCAPE TREE FOR EVERY 30 LINEAR FEET	WALL 2: +/- 207 LF LINEAR FEET OF WALL OVER 10' : +/- 198 LF	60 SHRUBS 7 TREES	60 SHRUBS 7 TREES
	WALL 3: +/- 368 LF LINEAR FEET OF WALL OVER 10' : +/- 180 LF	72 SHRUBS 6 TREES	72 SHRUBS 6 TREES

PARKING LOT LANDSCAPING			
REQUIREMENTS	LINEAR FOOTAGE/AREA	REQUIRED	PROPOSED
(1) DECIDUOUS TREE AND FIVE SHRUBS REQUIRED FOR EVERY 1,000 SF OF VEHICULAR USE AREA (VUA). AT LEAST 75% OF THE REQUIRED DECIDUOUS PARKING LOT TREES MUST BE LARGE-MATURING TREES.	33,333 SF VUA/1,000 SF = 33 33 x 1 = 33 TREES 33 x 2 = 66 SHRUBS	33 TREES (25 OF WHICH ARE LARGE MATURING) 66 SHRUBS	33 TREES (25 OF WHICH ARE LARGE MATURING) 66 SHRUBS
WHEN MORE THAN (6) TREES ARE REQUIRED IN A PARKING LOT, WITH INTERIOR ISLANDS, 50% OF THE TREES AND SHRUBS MUST BE PLANTED IN ISLAND OR MEDIANS LOCATED WITHIN THE PARKING LOT. +/- 24,816 SF	24,816 SF VUA/1,000 SF = 25 25 x 1 = 25 TREES 25 x 2 = 50 SHRUBS	13 TREES (PERIMETER) 12 TREES (WITHIN ISLANDS) 46 SHRUBS (PERIMETER) 46 SHRUBS (WITHIN ISLANDS)	13 TREES (PERIMETER) 12 TREES (WITHIN ISLANDS) 46 SHRUBS (PERIMETER) 46 SHRUBS (WITHIN ISLANDS)

SCREENING			
REQUIREMENTS	LINEAR FOOTAGE/AREA	REQUIRED	PROPOSED
DUMPSTER ENCLOSURE LONGER THAN 25 LINEAR FEET SHALL BE LANDSCAPE WITH FIVE SHRUBS AND TREES AND/OR DENSELY TWIGGED DECIDUOUS SHRUBS PLANTED IN A MINIMUM FIVE FOOT PLANTING AREA SPACED NO FARTHER THAN 8' APART TO SCREEN AT LEAST 50% OF THE FENCE OR WALL	71 LF / 8 = 9	9 EVERGREEN TREES	9 EVERGREEN TREES

STREET BUFFERS			
REQUIREMENTS	LINEAR FOOTAGE/AREA	REQUIRED	PROPOSED
VEHICULAR USE AREAS GREATER THAN 1,000 SF THAT ARE LOCATED WITHIN 60 FEET OF THE EDGE OF THE STREET MUST BE BUFFERED	N/A	0	0

PROPERTY LINE BUFFER			
REQUIREMENTS	LINEAR FOOTAGE/AREA	REQUIRED	PROPOSED
BUFFER YARDS SHALL BE REQUIRED FOR PROPOSED DEVELOPMENTS ADJACENT TO PARCELS OF DISSIMILAR ZONING DESIGNATIONS TO PROVIDE A TRANSITION BETWEEN DISTRICTS OF VARYING INTENSITIES	N/A	0	0

JULIAN WOODS RETIREMENT COMMUNITY SITE DATA

ZONING
- CURRENT ZONING CLASSIFICATION: CB-II (COMMUNITY BUSINESS II)
- PROPOSED ZONING CLASSIFICATION: RES EXP (RESIDENTIAL EXPANSION DISTRICT)

AREA CALCULATIONS
- PARCEL ASSEMBLAGE AREA: +/-6.24 AC.
- R/W AREA TO BE ABANDONED: +/-0.08 AC.
- DISTURBED AREA: +/-6.32 AC
- AREA TO BE ZONED RESIDENTIAL EXPANSION: +/-6.32 AC.
- BUILDING FOOTPRINT: +/- 69,336 SF
- TOTAL IMPERVIOUS AREA: +/- 170,000 SF

OPEN SPACE
REQUIRED:
- 500 SF OF OPEN SPACE PER UNIT
- 500 SF x 130 DWELLING UNITS = 1.5 AC (65,340 SF)
- UP TO 25% REDUCTION IN REQUIRED OPEN SPACE IF SITE IS CONECTED TO ADJACENT PARKLAND
- 65,000 - 25% = 1.12 AC (48,787 SF)
- AT LEAST ONE OPEN COMMON SPACE WITH A MINIMUM TOTALING 1000 SF PER RESIDENTIAL UNIT WITH PARK OR PLAZA-TYPE FEATURE MUST BE PROVIDED
- 1000 x 130 = 13,000 SF

PROVIDED:
- TOTAL OPEN SPACE: 1.24 AC (54,014 SF)
- OPEN SPACE RATIO: 19.9%

*FOR MORE INFORMATION ON OPEN SPACE, SEE SHEET 4

JULIAN WOODS RETIREMENT COMMUNITY CONCEPT PLANT SCHEDULE

STREET TREES	13
PARKING / CANOPY TREES	57
ORNAMENTAL TREES	11
DUMPSTER SCREENING TREES	9
RETAINING WALL TREE	18
RETAINING WALL SHRUBS	198
SHRUBS	176

GENERAL NOTES
- LANDSCAPING SHALL NOT BE PLACED TO THE FRONT OF ANY FIRE HYDRANT OR WITHIN 3 FEET TO ANY OTHER SIDE OF A FIRE HYDRANT.

0 40 80 120 foot
SCALE: 1" = 40'

Kiser Vogrin Design, LLC
5005 Meridian Blvd.
Ste. 100
Franklin, TN 37067
Phone: (615) 848-8427
www.kiservogrin.com
PROJECT # 19-07834 P2
KVD KISER VOGRIN DESIGN

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TRC CONCEPTUAL LANDSCAPE PLAN
JULIAN WOODS RETIRMENT COMMUNITY
ASHEVILLE, NC

BUNCOMBE COUNTY — CITY OF ASHEVILLE

NO.	DATE	DESCRIPTION
1	08/02/19	TRC RESUBMISSION
2	09/13/19	TRC RESUBMISSION, DRB PRE MEETING

PLAN STATUS: DESIGN — DRAWN — CHKD

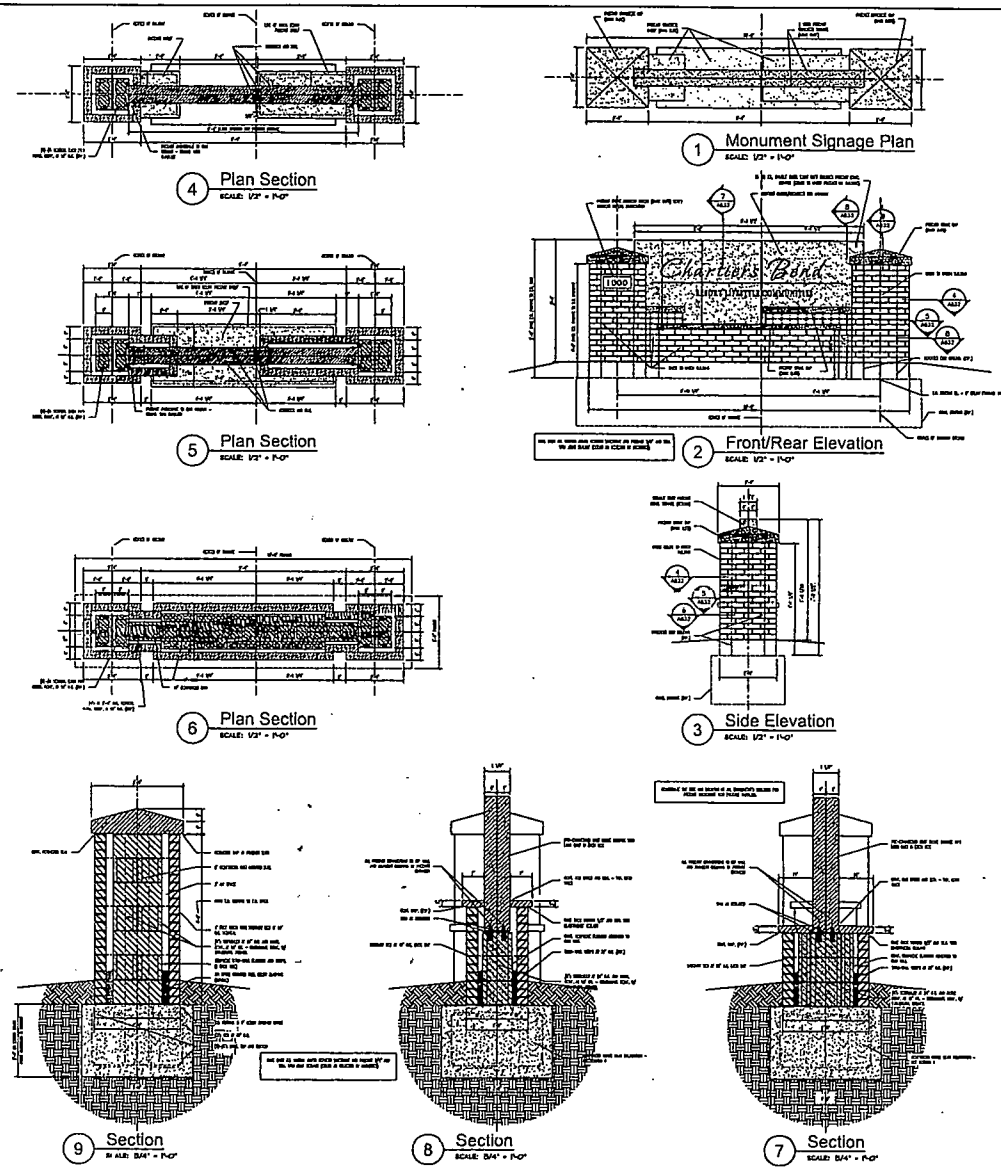
KVD JOB No. 18119

DATE : 09-13-2019

SHEET 3

444

Exhibit C 2 of 3



CAMERON

CHARTIERS BEND RETIREMENT COMMUNITY

SIGNAGE DETAILS

A832

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3 of 3

445

446

ORDINANCE NO. 4774

AN ORDINANCE AMENDING THE CITY CHARTER OF THE CITY OF ASHEVILLE TO PROVIDE FOR AT-LARGE ELECTIONS FOR THE MEMBERS OF THE CITY OF ASHEVILLE CITY COUNCIL

WHEREAS, pursuant to N.C. Gen. Stat. § 160A-101 and § 160A-102, the City Council of the City of Asheville ("the City Council") may adopt an ordinance to amend the Charter of the City of Asheville to implement any of the optional forms of government set out in N.C. Gen. Stat. § 160A-101; and

WHEREAS, on September 10, 2019, the Asheville City Council adopted Resolution No. 19-210, expressing its intent to consider an ordinance amending the Charter of the City of Asheville to provide that all City Council candidates be nominated and elected by all qualified voters of the City as authorized by N.C. Gen. Stat. § 160A-101(6)(a) and setting a public hearing on the proposed charter amendment; and

WHEREAS, on September 24 , 2019, the Asheville City Council held a public hearing to consider the proposed charter amendment, as set forth in the Resolution of Intent;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. Pursuant to N.C. Gen. Stat. §§ 160A-101 and 160A-102, the Charter of the City of Asheville is hereby amended to implement the amendments proposed in Resolution No. 19-210, as follows:

1. Article II, Section 6(a) of the Charter of the City of Asheville is repealed in its entirety, and is replaced by the following provision:

> "Section 6(a) Except as otherwise herein provided in this Charter, all powers of the city shall be vested in a council of a mayor and six council members, all nominated and elected from the city at large in the manner hereinafter provided. The mayor and members of the council, and all other officers, elected under the provisions of this Charter, shall at the time of their election be qualified electors of the City of Asheville. Elections for mayor and councilmembers shall be held on a nonpartisan basis in even-numbered years on the Tuesday after the first Monday in November, beginning in 2020 and biennially thereafter. The names of the candidates shall be printed on the ballots without reference to any party affiliation, and any qualified voter residing in the City shall be entitled to vote on such ballots. Results shall be determined using the nonpartisan plurality method in accordance with G.S. 163-292. Except as otherwise provided herein, the election shall be conducted according to the provisions of Subchapter III of Chapter 163A of the General Statutes then governing elections. The county board of elections under the direction of the State Board of Elections shall make necessary provisions for elections for mayor and councilmembers."

2. Section 6(b) of the Charter of the City of Asheville is repealed in its entirety, and is replaced by the following provision:

"Section 6 (b) The term of the mayor and councilmembers shall begin at the first regular meeting of the city council in December of even-numbered years. The term of office of the mayor and six council members shall be four years, and shall be so staggered that the terms of office of three council members shall expire every two years. In the election of 2020, those three persons elected to council will serve four year terms to expire in 2024. In the election of 2022, the three persons elected to council will serve four year terms to expire in 2026. Commencing with the 2020 election, all terms of office for council members shall be four years."

3. Section 6(c) of the Charter of the City of Asheville is repealed in its entirety.

4. Section 6(d) of the Charter of the City of Asheville is repealed in its entirety.

Section 2. The City Clerk shall cause a notice to be duly published, stating that an ordinance amending the Charter to change the mode of election of the City Council has been adopted.

Section 3. If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. All ordinances, charter provisions or resolutions, or parts of ordinances, charter provisions or resolutions in conflict herewith are repealed to the extent of such conflict.

Read, approved and adopted this 22nd day of October, 2019.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

448

ORDINANCE NO. 4775

AN ORDINANCE AMENDING THE CITY CHARTER OF THE CITY OF ASHEVILLE TO PROVIDE THAT CITY OF ASHEVILLE CITY COUNCIL ELECTIONS WILL BE CONDUCTED BY THE NONPARTISAN PRIMARY AND ELECTION METHOD

WHEREAS, pursuant to N.C. Gen. Stat. § 160A-101 and § 160A-102, the City Council of the City of Asheville ("the City Council") may adopt an ordinance to amend the Charter of the City of Asheville to implement any of the optional forms of government set out in N.C. Gen. Stat. § 160A-101; and

WHEREAS, on September 10, 2019, the City Council adopted Resolution No. 19-211, expressing its intent to consider an ordinance amending the Charter of the City of Asheville to provide that the results of elections for the City Council be determined by the nonpartisan primary and election method and setting a public hearing on the proposed charter amendment; and

WHEREAS, on September 24, 2019, the City Council held a public hearing to consider the proposed charter amendment, as set forth in the Resolution of Intent; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. Pursuant to N.C. Gen. Stat. §§ 160A-101 and 160A-102, the Charter of the City of Asheville is hereby amended to implement the amendments proposed in Resolution No. 19-211, as follows:

1. Article II, Section 6(a) of the Charter of the City of Asheville is repealed in its entirety, and will be replaced by the following provision:

> "(a) Except as otherwise herein provided in this Charter, all powers of the city shall be vested in a council of a mayor and six council members, all nominated and elected from the city at large in the manner hereinafter provided. The mayor and members of the council, and all other officers, elected under the provisions of this Charter, shall at the time of their election be qualified electors of the City of Asheville. Elections for mayor and councilmembers shall be held on a nonpartisan basis in even-numbered years on the Tuesday after the first Monday in November, beginning in 2020 and biennially thereafter. The names of the candidates shall be printed on the ballots without reference to any party affiliation, and any qualified voter residing in the City shall be entitled to vote on such ballots. Results shall be determined using the nonpartisan primary and election method in accordance with G.S. 163-294. The primary and election shall be held and conducted in accordance with the general laws governing primaries and election for county officers. Except as otherwise provided herein, the election shall be conducted according to the provisions of Subchapter III of Chapter 163A of the General Statutes then governing elections. The county board of elections under the direction of the State Board of Elections shall make necessary provisions for elections for mayor and councilmembers."

Section 2. The City Clerk shall cause a notice to be duly published, stating that an ordinance amending the Charter to change the mode of election of the City Council has been adopted.

Section 3. If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. All ordinances, charter amendments or resolution, or parts of ordinances, charter provisions or resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Read, approved and adopted this 22nd day of October, 2019.

Magdalen Burleson
City Clerk

Esther E. Marks
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

BUNCOMBE COUNTY

CITY OF ASHEVILLE

CITY COUNCIL

ORDINANCES

MINUTES

VOLUME: 33

(NOVEMBER 12, 2019 – SEPTEMBER 28, 2021)

(PAGES: INDEX - 486)

(ORDINANCES No: O-2019-4777 – O-2021-4906)

160D – Vote on UDO Amdt for 160D amendments, 311

A

Airport - City to regulate and administer parking at Airport, 39
Alabama Avenue - Speed limit changed, 118
Amboy Road - Budget amdt for NCDOT sidewalk and maintenance agrmt along Amboy Road, 409
American Rescue Plan Act - Budget amdt for FTA grant application and agrmts for American Rescue Plan Act Sec 5307 funds, 361
Annexation – Vote on vol annexation of property off Oak Hill Circle and Moorecrest Road, 245
Annexation Agreement - Public hearing for annex agrmt with Town of Fletcher for non-contiguous area, 41
ARPA - Budget amendment for ARPA funds for project manager for ARPA funds, 411
ARPA - Budget amendment to address funds for revenue losses, 365
Asbury Road - Speed limit changed on portion, 20
Asheland Avenue, 172 – Vote on CZ amdt for 172 Asheland, 185 and 99999 Coxe Ave & 5 Federal Alley, 147
Asheland Avenue, 174 - Public hearing for 172 Asheland Avenue, 185 and 99999 Coxe Avenue and 5 Federal Alley, 11
Asheland Avenue, 50 – Budget amendment for Dogwood Trust funds for purchase of 50 Asheland Avenue, 304
Asheville Art Museum - Waiving construction fees for fire tunnel at 2 S Pack Sq, 77
Asheville Art Museum -Budget amendment, 79

B

Baker Avenue - Speed limit changed, 118
Balm Grove Place - Speed limit changed, 118
Bassett Road - Speed limit changed on portion, 20
Bearden Avenue - Speed limit changed on portion, 20
Bears - Rental fee for bear-resistant trash carts, 188
Bideford Row- Speed limit changed, 118
BikeSafe Grant - Budget amendment, 138
Blake Mountain Circle - Speed limit changed, 118
Blakewood Court - Speed limit changed, 118
Bow Hunting - Amdt to firearms ord to allow bow hunting on private property, 70
Briarcliff Drive - Speed limit changed on portion, 20
Broad Street, 137 - Public hearing for CZ Amdt to 137 Broad St, 97
Budget - Adoption of FY 2021-22, 329
Budget – Budget amendment for FY 20-21 Annual Operating Budget, 143
Budget - Fees & Charges Manual amended, 280
Budget - Fees & Charges Manual amended for water resource fees, 299
Budget - Fees suspended on case by case basis regarding COVID-19, 199
Budget - FY 20-21, 110
Budget - Interim Budget, 89
Budget Amendment - 2018 GO Bond Draw Program, 72
Budget Amendment - 2nd round from Buncombe County of State's Coronavirus Relief Fund, 122
Budget Amendment - Accept Coronavirus 5310 Grant Funds, 268
Budget Amendment - Accept donations for K-9 ballistic vests, 40
Budget Amendment - Amdt to 2020-21 Action Plan, 192
Budget Amendment - ARPA funds for project manager for ARPA funds, 411
Budget Amendment - ARPA funds for revenue losses, 365
Budget Amendment - Asheville Art Museum, 79
Budget Amendment - BikeSafe Grant, 138
Budget Amendment - Budget GO bond funding to Housing Trust Fund, 45
Budget Amendment - Bulletproof Vest Grant, 196
Budget Amendment - Bulletproof Vest Partnership Grant, 1
Budget Amendment - Buncombe Co Anti-Crime Task Force, 191
Budget Amendment - Bus driver protection barriers, 66
Budget Amendment - CARES Act funds, 76
Budget Amendment - Carry-overs, 266
Budget Amendment - Climate Justice Initiative, 145
Budget Amendment - Code Purple, 200, 212
Budget Amendment - Connect Buncombe, 80
Budget Amendment - Contract amdt for US Cellular Center for HVAC Repairs, 7
Budget Amendment - Contract amdts for homeless shelter, 410
Budget Amendment - Contract for portable toilet and handwashing station, 306
Budget Amendment - Contract for supplemental transit svs, 187
Budget Amendment - Contracts for homeless shelter, 303
Budget Amendment - Cost for visioning Vance Monument area, 262
Budget Amendment - COVID-19 Shelters, 202
Budget Amendment - Dogwood Trust funds for purchase of 50 Asheland Avenue, 304
Budget Amendment - Donation from Rotary Clubs and Montford Neighborhood Assn for bus stop impvts, 302
Budget Amendment - Donations for APD Training, 194
Budget Amendment - Federal Transit Administration grant funds for Section 5339 (b) Bus funds, 146
Budget Amendment - For amdt to 2019-20 Action Plan, 193
Budget Amendment - For fire protection revenues with Buncombe County, 363
Budget Amendment - For fire truck for insurance recovery funds, 251
Budget Amendment - For supplemental transit svs, 75

Budget Amendment - Friends of the WNC Nature Center, 362
Budget Amendment - From National resource Defense Council grant, 364
Budget Amendment - FTA grant application and agrmts for American Rescue Plan Act Sec 5307 funds, 361
Budget Amendment - Fund COVID-19 homelessness extensions, 154
Budget Amendment - Funds for COVID-19 Shelter Operations, 93
Budget Amendment - Funds from County as part of State's COVID-19 Relief Fund, 92
Budget Amendment - Funds from FEMA for Fire Prevention & Safety Program, 139
Budget Amendment - Funds from FTA for Sec. 5310 funds, 38
Budget Amendment - FY 20-21 Annual Operating Budget, 143
Budget Amendment - Grant app for remote learning site, 190
Budget Amendment - Grant for backyard composting, 244
Budget Amendment - Grant for Food Policy Action Plan, 201
Budget Amendment - High Intensity Drug Trafficking Grant, 74
Budget Amendment - High Intensity Drug Trafficking Grant, 305
Budget Amendment - Homeless shelter, 336
Budget Amendment - Homeward Bound grant to support homelessness shelter, 346
Budget Amendment - Increase Sec 5310 Grant, 197
Budget Amendment - JAG Grant, 195
Budget Amendment - MSD share of Haywood Streetscape Project cost, 3
Budget Amendment - NCDOT sidewalk and maintenance agrmt along Amboy Road, 409
Budget Amendment - One Buncombe Fund, 65
Budget Amendment - Outside Legal Services, 4
Budget Amendment - Partial replacement of Gov TV Broadcast Server, 155
Budget Amendment - Refunding of 2021 debt, 319
Budget Amendment - Roll-overs, 9
Budget Amendment - Staffing for Adequate Fire & Emergency Response Grant, 2
Budget Amendment - Thrive Asheville, 60
Budget Amendment - To fund reparations, 318
Budget Amendment - US Dept of Justice for COVID-19 Emergency Supplement Funding, 73
Budget Amendment - Vote to accept CDBG Funds to include sale of city-owned land, 269
Budget Amendment - Worker's comp insurance recovery, 59
Budget Amendment- Burton St Neighborhood Community Leadership Assn donation, 279
Buffalo Street - Speed limit changed on portion, 20
Bulletproof Vest Partnership Grant - Budget Amendment, 1
Buncombe County - Budget amendment for 2nd round from Buncombe County of State's Coronavirus Relief Fund, 122
Buncombe County - Budget amendment for Anti-Crime Task Force, 191
Buncombe County - Budget amendment for fire protection revenues, 363
Burton St Neighborhood Community Leadership Assn - Budget amendment for donation, 279
Buses - Budget amendment for contract amendment for supplemental transit svs, 187
Buses - Budget amendment for driver protection barriers, 66

Cameron Street - Speed limit changed on portion, 20
Capital Projects - Amdt that City capital projs are exempt from permit fees, 265
CARES Act - Budget amendment, 76
Charlotte Street, 236 – Vote on CZ amdt for 236 Charlotte & 336 Hillside, 156
Clay Street - Speed limit changed, 118
Climate Justice Initiative - Budget Amendment, 145
Clovelly Way - Speed limit changed, 118
Code Purple - Budget amendment, 200
Code Purple - Budget Amendment, 212
Composting - Budget amendment for grant from NC Dept of Env Quality, 244
Conditional Zoning - Public hearing for cz at 61 Innovation Drive, 103
Conditional Zoning - Public hearing for 172 Asheland Avenue, 185 and 99999 Coxe Avenue and 5 Federal Alley, 11
Conditional Zoning - Public hearing for 66 Long Shoals Road, 337
Conditional Zoning - Public hearing for amdt to RAD Lofts CZ at 146 and 179 Roberts Street, 46
Conditional Zoning - Public hearing for CZ Amdt to 137 Broad St, 97
Conditional Zoning - Public hearing for CZ for 144 and 159 Riverside Dr, 385
Conditional Zoning - Public hearing for CZ for 1617 Hendersonville Rd, 366
Conditional Zoning - Public hearing for CZ for 200 Villas Court, 412
Conditional Zoning - Public hearing for CZ for 22 Woodfin St, 399
Conditional Zoning - Public hearing for CZ for 70 Mills Gap, 481
Conditional Zoning – Vote for approval for CZ Amdt for 1500 Tunnel Road, 81
Conditional Zoning – Vote on CZ amdt for 172 Asheland, 185 and 99999 Coxe Ave & 5 Federal Alley, 147
Conditional Zoning – Vote on CZ amdt for 236 Charlotte & 336 Hillside, 156
Conditional Zoning – Vote on CZ for 99999 Glendale Ave, 307
Conditional Zoning –Approve CZ for 99999 Sand Hill Road, 203
Connect Buncombe - Budget amendment, 80
Courtland, 99999 – Vote on Courtland Avenue, Woodside Place and Gudger St, 94
COVID-19 - Budget amendment for COVID-19 Shelter Operations, 93
COVID-19 - Budget amendment for grant app for remote learning site, 190
COVID-19 - Budget amendment for 2nd round from Buncombe County of State's Coronavirus Relief Fund, 122
COVID-19 - Budget amendment for COVID-19 Shelters, 202
COVID-19 - Budget amendment for One Buncombe Fund, 65
COVID-19 - Budget Amendment for US Dept of Justice for COVID-19 Emergency Supplement Funding, 73
COVID-19 - Budget amendment from County as part of State's COVID-19 Relief Fund, 92
COVID-19 - Budget amendment to accept Coronavirus 5310 Grant Funds, 268
COVID-19 - Budget amendment to fund COVID-19 homelessness extensions, 154
COVID-19 - Fees & Charges temporarily suspend due to COVID-19, 67
COVID-19 - Fees suspended on case by case basis, 199
COVID-19- Additional authority to Mayor, 58
Coxe Avenue, 185 and 99999 - Public hearing for 172 Asheland Avenue, 185 and 99999 Coxe Avenue and 5 Federal Alley, 11
Coxe Avenue, 185 and 99999 – Vote on CZ amdt for 172 Asheland, 185 and 99999 Coxe Ave & 5 Federal Alley, 147
Creasman Place - Speed limit changed on portion, 20

Davenport Place - Trucks prohibited on portion, 121
Davenport Road - Trucks prohibited on portion, 121
Deanwood Circle - Speed limit changed, 118
Deer - Amdt to firearms ord to allow bow hunting on private property, 70
Design Review - Roles & responsibilities revised for Riverfront Redev Com and Downtown Com, 270
Donations - Budget amendment for APD Training, 194
Downtown Commission - Updated roles & responsibilities related to design review, 270

D

Elizabeth Street - Speed limit changed on portion, 20
Enka Orchard Street - Trucks prohibited on portion, 121

E

Fawn Drive - Speed limit changed on portion, 20
Federal Alley, 5 - Public hearing for 172 Asheland Avenue, 185 and 99999 Coxe Avenue and 5 Federal Alley, 11
Federal Alley, 5 – Vote on CZ amdt for 172 Asheland, 185 and 99999 Coxe Ave & 5 Federal Alley, 147
Federal Transit Administration - Budget amdt for bus driver protection barriers, 66
Federal Transit Administration - Budget amendment for Section 5339 (b) Bus funds, 146
Fees - Suspended on case by case basis regarding COVID-19, 199
Fees - Waiving construction fees for Asheville Art Museum fire tunnel at 2 S Pack Sq, 77
Fees & Charges - Amdt that City capital projs are exempt from permit fees, 265
Fees & Charges - Amdt to police alarms, 328
Fees & Charges - Amended for water resource fees, 299
Fees & Charges - Manual amended for all fees, 280
Fees & Charges - Manual amended to include special event fee discount, 301
Fees & Charges - Rental for bear-resistant trash carts, 188
Fees & Charges - Temporarily suspend due to COVID-19, 67
Fees & Charges Manual - Adjust Rates & Booking Policy for 8 River Arts Place, 22
Fees & Charges Manual - Adjust Rates & Booking Policy for Harrah's Cherokee Center, 28
Fees & Charges Manual - Amdt to transit advertising fees, 357
Fees & Charges Manual –Amdt for fee-in-lieu for tree removal, 137
Fire Prevention - Ord amending to impose civil penalties for violations, 198
Fire Prevention & Safety Program - Budget amendment, 139
Fire Truck - Budget amendment for insurance recovery funds, 251
Firearms Ord - Amdt to allow bow hunting on private property, 70
Fletcher, Town of - Public hearing for annex agrmt with Town of Fletcher for non-contiguous area, 41
Food Policy Action Plan - Budget amendment, 364
Food Policy Action Plan - Budget Amendment, 201
Forest Lake Drive - Speed limit changed, 118
Forestdale Drive - Speed limit changed, 118
Forsythe Drive - Speed limit changed on portion, 20
Friends of the WNC Nature Center - Budget amendment, 362

F

Galloway Drive - Speed limit changed, 118
General Obligation - Budget amendment for GO bond funding to Housing Trust Fund, 45
General Obligation Bonds - Budget amendment for 2018 GO Bond Draw Program, 72
Georgia Street - Speed limit changed, 118
Glen Woods Court - Speed limit changed, 118
Glendale Avenue, 99999 – Vote on CZ for 99999 Glendale Ave, 307
Goldfinch Lane- Speed limit changed, 118
Griffing Circle - Speed limit changed, 118
Griffith, Lewie Muller House - Local historic landmark for 65 Woodland Road for Lewie Muller Griffith House, 61
Gudger Street, 99999 – Vote on Courtland Avenue, Woodside Place and and Gudger St, 94

G

Hampstead Road - Speed limit changed on portion, 20
Harrah's Cherokee Center - Amdt to Fees & Charges Manual to adjust Rates & Booking Policy for Harrah's Cherokee Center, 28
Haywood Streetscape Project - Budget amendment for MSD share, 3
Hendersonville Road, 1617 - Public hearing for CZ, 366
High Intensity Drug Trafficking Grant - Budget Amendment, 74
High Intensity Drug Trafficking Grant - Budget amendment, 305
Hilliard Avenue - Speed limit changed on portion, 20
Hillside Street, 336 – Vote on CZ amdt for 236 Charlotte & 336 Hillside, 156
Historic Landmark - Local historic landmark for 65 Woodland Road for Lewie Muller Griffith House, 61
Historic Preservation – Vote on UDO Amdt to align with state legislation related to historic preservation, 163
Homeless - Budget amendment for shelters and wrap around services, 303
Homeless Shelter - Budget amendment, 336
Hotel Overlay District –New Hotel Overlay District to properties, 240
Hotel Standards –New standards regulations hotels, 213
Hotels – Vote to extend hotel moratorium for 5 additional months, 140
Housing Trust Fund - Budget amendment for GO bond funding to Housing Trust Fund, 45

H

Indiana Avenue - Speed limit changed, 118
Innovation Drive, 61 - Public hearing for cz at
61 Innovation Drive, 103
Innsbrook Road - Speed limit changed, 118

I

Justice of Assistance - Budget amendment for
JAG Grant, 195

J

Keith Drive - Trucks prohibited on portion, 121
Kingbird Lane- Speed limit changed, 118

K

Legal Services - Budget Amendment, 4
Lewie Muller Griffith House - Local historic landmark for 65 Woodland Road for Lewie Muller Griffith House, 61
London Road - Speed limit changed, 118
Long Shoals Road, 66 - Public hearing for conditional zoning, 337
Long Street - Speed limit changed, 118

L

Maplewood Parkway - Speed limit changed, 118
Maplewood Road - Speed limit changed, 118
Martin Avenue - Speed limit changed, 118
Mayor - Additional authority to Mayor during COVID-19 state of emergency, 58
Meadow Lake Road - Speed limit changed, 118
Melody Lane - Speed limit changed, 118
Mills Gap Road, 70 - Public hearing for CZ for 70 Mills Gap, 481
Montford Neighborhood Assn - Budget amendment for donation from Rotary Clubs and Montford Neighborhood Assn for bus stop impvts, 302
Moorecrest Road – Vote on vol annexation of property off Oak Hill Circle and Moorecrest Road, 245
Moorecrest Road – Vote on zoning of property off Moorecrest Road and Oak Hill Circle, 247
Moratorium – Vote to extend hotel moratorium for 5 additional months, 140

M

NC Dept of Environmental Quality - Budget amendment for grant for backyard composting, 244
NC Dept of Public Safety - Budget amendment for BikeSafe Grant, 138
Noise - Amdt to Noise Ord, 347
Nondiscrimination - Ord prohibiting discriminatory practices in private employment and public accommodations, 273
North Liberty Street - Speed limit changed, 118
Northview Street - Speed limit changed, 118
Northwood Road - Speed limit changed, 118

N

Oak Hill Circle - Speed limit changed, 118
Oak Hill Circle – Vote on vol annexation of property off Oak Hill Circle and Moorecrest Road, 245
Oak Hill Circle – Vote on zoning of property off Moorecrest Road and Oak Hill Circle, 247
Oak Hill Drive - Speed limit changed, 118
Oak Hill Drive - Trucks prohibited on portion, 121
Oak Hill Road - Speed limit changed, 118
Oakwilde Drive - Speed limit changed, 118
Oakwilde Drive - Speed limit changed on portion, 20
One Buncombe Fund - Budget Amendment, 65

Pack Square, 2 South - Waiving construction fees for Asheville Art Museum fire tunnel at 2 S Pack Sq, 77
Parking - City to regulate and administer parking at Airport, 39
Penalties - Ord amending Fire Code to impose civil penalties for violations, 198
Permit Fees - Amdt that City capital projs are exempt from permit fees, 263
Police - Amdt to fees & charges ord for alarms, 328
Police - Amdt to police alarms, 320
Public Hearing - CZ for 144 and 159 Riverside Dr, 385
Public Hearing - CZ for 1617 Hendersonville Rd, 366
Public Hearing- CZ for 22 Woodfin St, 399

P

RAD Lofts - Public hearing for amdt to RAD Lofts CZ at 146 and 179 Roberts Street, 46
Ralph Street - Speed limit changed, 118
Ramada Inn - Budget amendment for contract with Ramada Inn and Sunrise Community for Recovery & Wellness for homeless shelter, 272
Reparations - Budget amendment, 318
Rezoning – Vote on Courtland Avenue, Woodside Place and Gudger St, 94
Rezonings - Public hearing for Urban Place Form District rezonings, 471
River Arts Place, 8 - Amdt to Fees & Charges Manual to adjust Rates & Booking Policy for 8 River Arts Place, 22
Riverfront Redevelopment Com - Updated roles & responsibilities related to design review, 270
Riverside Drive, 144 and 159 - Public hearing for CZ, 385
Roberts Street, 146 and 179 - Public hearing for amdt to RAD Lofts CZ at 146 and 179 Roberts Street, 46
Rock Hill Road Extension - Speed limit changed, 118
Rotary Clubs - Budget amendment for donation from Rotary Clubs and Montford Neighborhood Assn for bus stop impvts, 302
Royal Pines Drive - Trucks prohibited along Royal Pines Drive, 8

R

Sand Hill Road, 99999 –Approve CZ for 99999 Sand Hill Road, 203
Sawmill Road - Speed limit changed, 118
Selwyn Place - Speed limit changed on portion, 20
Simpson Hollow Road - Speed limit changed, 118
South Liberty Street - Speed limit changed, 118
Special Events - Fees & Charges Manual amended to include special event fee discount, 301
Speed Limit - Changed on portion of West Haywood Street, 20
Speed Limit - Changed on portions of Asbury Road, Bassett Road, Bearden Avenue, Briarcliff Drive, Buffalo Street, Cameron Street, Creasman Place, Elizabeth Street, Fawn Drive, Forsythe Drive, Hampstead Road, Hilliard Avenue, Oakwilde Drive, Selwyn Place, Thompson Street, West Haywood Street, West Street and Windswept Drive, 20
Speed Limit - Changed on several streets, 118
Staffing for Adequate Fire & Emergency Response Grant - Budget Amendment, 2
State of Emergency - Additional authority to Mayor during COVID-19 state of emergency, 58
Sumner Place - Speed limit changed, 118
Sunrise Community for Recovery & Wellness - Budget amendment for contract with Ramada Inn and Sunrise Community for Recovery & Wellness for homeless shelter, 272

S

Thompson Street - Speed limit changed on portion, 20
Thrive Asheville - Budget Amendment, 60
Tiverton Lane - Speed limit changed, 118
Traffic - Trucks prohibited along Royal Pines Drive, 8
Transit - Amdt to Fees & Charges Manual for advertising fees, 357
Transit – Budget amendment for contract amendment for supplemental transit svs, 187
Transit – Budget amendment for Federal Transit Administration grant funds for Section 5339 (b) Bus funds, 146
Transit - Budget amendment for funds from FTA for Sec. 5310 funds, 38
Transit - Budget amendment for supplemental transit svs, 75
Transit - Budget amendment to accept Coronavirus 5310 Grant Funds, 268
Transit - Budget amendment to increase Sec 5310 Grant, 197
Trash Carts - Rental fee for bear-resistant trash carts, 188
Tree Canopy –Amdt to apply new Resource Management Overlay District for tree canopy preservation, 123
Tree Canopy Preservation Ordinance –Amdt to UDO, 124
Tree Commission - Name change to Urban Forestry Commission and support by Dept of Dev Svs, 5
Trees –Amdt to fees & charges manual for fee-in-lieu for tree removal, 137
Trucks - Prohibited on portions of Davenport Place, Davenport Road, Enka Orchard Street, Keith Drive, Oak Hill Drive and Vermont Court, 121
Tunnel Road, 1500 – Vote for approval for CZ Amdt for 1500 Tunnel Road, 81

T

U

UDO - Public hearing for UDO Amdt for new Urban Place Form District, 419
UDO – Vote on UDO Amdt for 160D amendments, 311
UDO – Vote on UDO amdt to align with state legislation, 179
UDO – Vote on UDO Amdt to align with state legislation related to historic preservation, 163
UDO - Vote to amend UDO regarding 160D changes to discretionary decisions, 252
UDO –Amdt for new Tree Canopy Preservation Ordinance, 124
UDO –Amdt to apply new Resource Management Overlay District for tree canopy preservation, 123
UDO –New Hotel Overlay District to properties, 240
UDO –New standards regulations hotels, 213
Urban Forestry Commission - Name change from Tree Commission and support by Dept of Dev Svs, 5
Urban Place Form District - Public hearing for rezonings, 471
Urban Place Form District - Public hearing for UDO Amdt for new Urban Place Form District, 419
US Cellular Center - Budget Amendment for HVAC Repairs, 7

Vance Monument - Budget amendment for cost for visioning Vance Monument area, 262
Vermont Court - Trucks prohibited on portion, 121
Villas Court, 200 - Public hearing for CZ for 200 Villas Court, 412

V

Water Capital Improvement Fee - Discontinued, 78
West Haywood Street - Speed limit changed on portion, 20
West Street - Speed limit changed on portion, 20
Westview Road - Speed limit changed, 118
Windswept Drive - Speed limit changed, 118
Windswept Drive - Speed limit changed on portion, 20
Woodcrest Place - Speed limit changed, 118
Woodcrest Road - Speed limit changed, 118
Woodfin Street, 22 - Public hearing for CZ, 399
Woodland Road, 65 – Local historic landmark for 65 Woodland Road for Lewie Muller Griffith House, 61
Woodside Place, 99999 – Vote on Courtland Avenue, Woodside Place and Gudger St, 94
Worker's Compensation - Budget amendment for insurance recovery, 59

W

Zoning – Vote on zoning of property off
Moorecrest Road and Oak Hill Circle, 247

Z

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ORDINANCE NO. 4777

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Fiscal Year 2019-20 Budget Ordinance be amended to provide an appropriation of $50,438.62 to accept a grant from the Department of Justice for the 2019 Bulletproof Vest Partnership Grant (BVP) as follows:

SPECIAL REVENUE FUND

Revenues:

Federal Grants	$25,219.31
Operating Transfer from General Fund	$25,219.31
Total Revenues	$50,438.62

Appropriations:

Safety Equipment	$25,219.31
Awarded Grants	$25,219.31
Total Appropriations	$50,438.62

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 12th day of November, 2019.

Magdalen Bowlesson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlesson
City Clerk

2

ORDINANCE NO. 4778

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Fiscal Year 2019-20 Budget Ordinance be amended to provide an appropriation of $868,014 as a combination of funding from the FEMA Staffing for Adequate Fire and Emergency Response (SAFER) Grant and City funds as follows:

SPECIAL REVENUE FUND

Revenues:

Restricted Intergovernmental Federal Grants	$535,275.30
Operating Transfers from General Fund	$332,738.70
Total Revenues	$868,014.00

Appropriations:

Contra Salaries and Wages	$868,014.00
Total Appropriations	$868,014.00

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 12th day of November, 2019.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

ORDINANCE NO. 4779

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Fiscal Year 2019-20 Budget Ordinance be amended to provide an appropriation of $1,709,532 as a restricted intergovernmental payment from the Municipal Sewer District as follows:

GENERAL CAPITAL PROJECTS FUND

Revenues:

Restricted Revenue	$1,709,532.00
Total Revenues	$1,709,532.00

Appropriations:

Contracted Services	$1,709,532.00
Total Appropriations	$1,709,532.00

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 12th day of November, 2019.

Magdalen Burleson
City Clerk

Esther G. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

4

ORDINANCE NO. 4780

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Fiscal Year 2019-20 Budget Ordinance be amended to provide an appropriation of $100,000 from General Fund unassigned fund balance to fund the continuation of the legal services contract with Poyner Spruill as follows:

GENERAL FUND

Revenues:

Appropriated Fund Balance	$100,000.00
Total Revenues	$100,000.00

Appropriations:

Legal Services	$100,000.00
Total Appropriations	$100,000.00

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 12th day of November, 2019.

Magdalen Bourleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bourleson
City Clerk

ORDINANCE NO. 4781

ORDINANCE CHANGING THE NAME OF THE CITY'S TREE COMMISSION TO THE "URBAN FORESTRY COMMISSION."

WHEREAS, pursuant to Chapter 556 of the 1985 Session Laws of the North Carolina General Assembly, the City of Asheville has the authority to regulate trees on private and public land within the City; and

WHEREAS, the City of Asheville first created an advisory commission known as the Tree Commission in 1965; and

WHEREAS, the City of Asheville has determined that it is appropriate and advisable to rename its Tree Commission the Urban Forestry Commission;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. Sections 2-156, 2-161, 7-3-7, and 20-3 of the Asheville City Code is hereby repealed in their entirety, and replaced by new Sections 2-156, 2-161, 7-3-7, and 20-3 reading as specified in Section 2 of this Ordinance.

Section 2. The City Council hereby adopts Sections 2-156, 2-161, 7-3-7, and 20-3 of the City Code, reading as follows:

Section 2-156.- Creation.

It is hereby declared that the public welfare and interest of the citizens of the city will best be served by the establishment of a commission to foster the preservation, planting, replacement and removal of trees without denying the reasonable use and enjoyment of real property. To that end there is hereby created and established an advisory board of the city to be known as the Urban Forestry Commission, referred to throughout this division as "commission." Any and all references to the "Tree Commission" or the "Asheville Tree Commission" elsewhere in the City Code shall be understood to refer to the Urban Forestry Commission.

Section 2-161.- Staff Support.

The City Manager shall appoint a staff person or persons specifically charged with the responsibility of carrying out the planning, implementation and coordination with other agencies and advisory boards of all projects undertaken by the commission.

Section 7-3-7.- Urban Forestry Commission

(a) *Powers and duties.* The Urban Forestry Commission shall have the powers and duties as set forth in division 7 of article III of chapter 2 of this Code and such additional powers and duties as may be set forth for the Urban Forestry Commission in this chapter and in other laws and regulations.

6

(b) *Membership; terms; vacancies*. The membership and term of office of and method of filling vacancies for the Urban Forestry Commission shall be as set forth in division 7 of article III of chapter 2 of this Code.

(c) *Meetings*. The Urban Forestry Commission shall hold meetings in accordance with its adopted rules of procedure.

(d) *Rules and records*. The Urban Forestry Commission shall formulate and adopt rules of procedure in accordance with the provisions of division 7 of article III of chapter 2 of this Code.

(e) *Name*. Any and all references to the "Tree Commission" or the "Asheville Tree Commission" elsewhere in the City Code shall be understood to refer to the Urban Forestry Commission.

Section 20-3.- Urban Forestry Commission

The city council may establish an Urban Forestry Commission, made up of citizen volunteers.

The commission may request information on trees located on city property and shall receive in a timely fashion, reports from the director of public works. The commission shall receive regular reports from city staff on landscaping and buffering plans for new developments and alterations to existing developments.

The commission shall consist of seven members appointed by city council to staggered three-year terms. In addition to the seven members appointed by city council, the executive director of Quality Forward, a representative of Progress Energy, and a representative of the Metropolitan Sewerage District shall serve as ex-officio voting members of the commission. Additionally, the director of public works may appoint ex-officio non-voting members.

The commission shall select annually from among its members a chair and vice-chair.

All appointed members shall serve a term of three years. Vacancies resulting from resignation or from a member's failure to attend the required number of meetings shall be filed by city council for the unexpired term upon request by the chairperson.

The commission shall formulate and adopt rules of procedure under which it will operate.

Any and all references to the "Tree Commission" or the "Asheville Tree Commission" elsewhere in the City Code shall be understood to refer to the Urban Forestry Commission.

Read, approved and adopted this 26th day of November, 2019.

Magdalen Bruleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bruleson
City Clerk

ORDINANCE NO. 4782

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Fiscal Year 2019-20 Budget Ordinance be amended to provide an appropriation of $50,000 to fund emergency repairs at the US Cellular Center as follows:

US CELLULAR CENTER FUND

Revenues:

Appropriated Fund Balance	$50,000

Appropriations:

Transfer to USCC Capital Fund	$50,000

US CELLULAR CENTER CAPITAL PROJECTS FUND

Revenues:

Transfer from USCC Operating Fund	$50,000

Appropriations:

Contracted Services	$50,000

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 26th day of November, 2019.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

8

ORDINANCE NO. 4783

AN ORDINANCE AMENDING ARTICLE I, SECTION 1 OF APPENDIX "C" OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE

WHEREAS, pursuant to N.C. Gen. Stat. § 160A-296(a) the City has general authority and control over all public streets, sidewalks, alleys, bridges, and other ways of public passage within its corporate limits; and

WHEREAS, the City has the authority pursuant to N.C. Gen. Stat. § 160A-300 to prohibit, regulate, divert, control, and limit pedestrian or vehicular traffic upon the public streets, sidewalks, alleys, and bridges of the city;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

Section 1: That Article I, Section 1 of Appendix C of the Code of Ordinances of the City of Asheville (Truck Traffic Prohibited on Residential Streets) be amended to include the following street:

Royal Pines Drive, from US 25A (Sweeten Creek Road) to US 25 (Hendersonville Road)

Section 2: That all Ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed.

Section 3: That this Ordinance shall be in full force and effect upon adoption by the City Council of the City of Asheville and the erection of signs giving notice of the truck prohibition.

Read, approved and adopted this 10th day of December, 2019.

Magdalen Burleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Burleson
City Clerk

ORDINANCE NO. 4784

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended to provide from restricted and assigned fund balance the required budget authorization for prior year contracts, purchase orders, and other carry-over appropriations that rolled forward to Fiscal Year (FY) 2019-20, as follows:

ALL OPERATING FUNDS

Revenues:

Appropriated Fund Balance (General Fund)	$ 5,027,369.56
Appropriated Fund Balance (Housing Trust Fund)	$ 2,166,877.00
Appropriated Fund Balance (Sustainability Fund)	$ 591,101.70
Streetlight Savings (Sustainability Fund)	
Appropriated Fund Balance (Water Resources Fund)	$ 1,210,714.42
Appropriated Fund Balance (Parking Services Fund)	$ 284,189.94
Appropriated Fund Balance (Street Cut Utility Fund)	$ 24,629.85
Appropriated Fund Balance (Stormwater Fund)	$ 507,828.44
Appropriated Fund Balance (US Cellular Center Fund)	$ 371,162.62
Appropriated Fund Balance (Transit Fund)	$ 77,401.24
Appropriated Fund Balance (Health Insurance Fund)	$ 103,872.55
Appropriated Fund Balance (Workers' Compensation Fund)	$ 41,456.00
Appropriated Fund Balance (Property & Liability Fund)	$ 275,395.71

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Appropriations:

Various Accounts (General Fund)	$ 5,027,369.56
Various Accounts (Housing Trust Fund)	$ 2,166,877.00
Various Accounts (Sustainability Fund)	$ 591,101.70
Contingency (Sustainability Fund - Streetlight Savings)	
Various Accounts (Water Resources Fund)	$ 1,210,714.42
Various Accounts (Parking Services Fund)	$ 284,189.94
Various Accounts (Street Cut Utility Fund)	$ 24,629.85
Various Accounts (Stormwater Fund)	$ 507,828.44
Various Accounts (US Cellular Center Fund)	$ 371,162.62
Various Accounts (Transit Fund)	$ 77,401.24
Various Accounts (Health Insurance Fund)	$ 103,872.55
Various Accounts (Workers' Compensation Fund)	$ 41,456.00
Various Accounts (Property & Liability Fund)	$ 275,395.71

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 10th day of December, 2019.

Magdalen Bourleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bourleson
City Clerk

ORDINANCE NO. 4785

ORDINANCE ESTABLISHING CONDITIONAL ZONING FOR PROPERTY LOCATED AT 172 ASHELAND AVENUE, 185 and 99999 COXE AVENUE and 5 FEDERAL ALLEY

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this proposed amendment is consistent with the *Living Asheville - A Comprehensive Plan for our Future* and is determined to be reasonable, and in the public interest for the following reasons:

a) The Future Land Use category of the Living Asheville Comprehensive Plan, Downtown, is appropriate and supportive of this mixed-use development;
b) The project enhances the pedestrian experience with widened sidewalks, active ground floor uses and intentional urban open space with portions that are accessible to the public;
c) The proposal incorporates affordable residential units; and
d) The project is compatible with the surrounding area and aligned with multiple strategies found in the city's comprehensive plan.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

The zoning classification of that certain real property described in Exhibit A and identified on Buncombe County tax maps as PINs 9648-38-0052, 9648.37-2643, 9648.37-1928 and 9648.37-2825, and, recorded in Deed Book 5761, Page 1394; Book 5731, Page 1274; Book 5772, Page 1726; Book 5731, Page 1274 and currently owned by South Slope Holdings LLC and Asheland Properties LLC, from Central Business District (CBD) to Central Business District Expansion Conditional Zone (CBD EXP CZ).

A copy of the official zoning map showing said lots is attached hereto as Exhibit "A.1" and made a part hereof. Said rezoning is subject to the conditions set out in Exhibit "B.1", and substantially compliant with the site plan(s) as shown on Exhibit C attached hereto and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. The ordinances shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 5. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 10th day of December, 2019.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

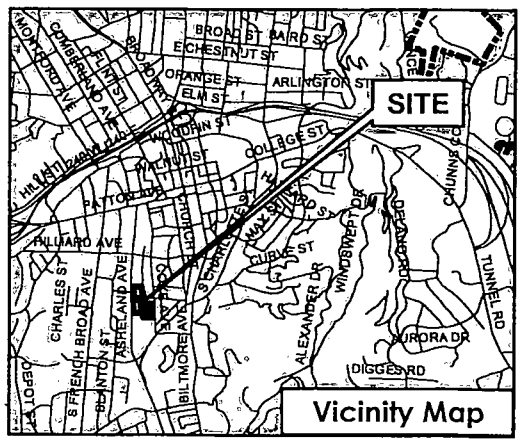
City Attorney

Magdalen Burleson
City Clerk

City of Asheville - Exhibit A1 Map
Conditional Zoning - Coxe/Asheland Development

Project Name:	Coxe/Asheland Development
Project Number:	19 - 04443 PZ
Project Description:	CZ from CBD to CBD EXP CZ
Petitioner(s):	Matt Maynard
Parcel ID Number(s):	9648-37-2643; 9648.38-0052 9648.37-1928; 9648.37-2825
Location/Address:	172 Asheland Avenue, 185 Coxe Ave 99999 Coxe Avenue, 5 Federal Alley

Project Site | Parcels | Asheville City Limits
Zoning Districts | Streets | River Areas



Vicinity Map

City of Asheville Planning and Urban Design Department - July 2019

EXHIBIT B.1 CONDITIONS - Coxe/Asheland Development

1. The zoning for the parcels at 172 Asheland Avenue, 185 and 99999 Coxe Avenue and 5 Federal Alley (PINs 9648.37-2643, 9648.38-0052, 9648.37-1928 and 9648.37-2825) is Central Business District Expansion District Conditional Zone.

2. The project will have a maximum of 500 multi family residential units, a maximum of 90,000 square feet of office and commercial spaces and a maximum of 1000 structured parking spaces. Building heights shall not exceed 80 feet.

3. The project includes two driveways on Asheland Avenue, one on Federal Alley and one on Coxe Avenue. There is a parallel loading space on Asheland Avenue as shown on plans.

4. There will be 12 foot wide sidewalks along Coxe Avenue, a ten foot sidewalk behind a five foot grass strip on Asheland Avenue and a ten foot wide sidewalk along the Federal Alley frontage. There will also be a six foot sidewalk along Federal Alley connecting to Coxe Avenue as shown on plans.

5. Urban open space plazas are provided as shown on plans including street trees in planters along Asheland Avenue. Street trees are provided in grates along Federal Alley and Coxe Avenue. Additional site landscaping supplemental to the technical code requirements will be provided as shown on the landscape plan.

6. If the driveway into the parking garage remains in the location that is off-set from Morgan Avenue, left-out vehicular maneuvers are restricted from the parking garage exiting onto Asheland Avenue and the applicant will install signage directing this limitation, in place prior to TCO.

7. If the driveway into the parking garage remains in the location that is off-set from Morgan Avenue, an accessible pedestrian hybrid beacon for a pedestrian crossing near the Asheland and Morgan Avenue intersection will be installed by the applicant prior to issuance of a temporary certificate of occupancy (TCO) for the project. Details including exact location will be coordinated with the Transportation Department.

8. If the driveway into the parking garage shifts southward on Asheland Avenue to align directly across from Morgan Avenue, the applicant will install a full traffic control signal including vehicular detection, communication to the signal system, sidewalk ramps, pedestrian signals, accessible push buttons, etc. with details to be determined by the Transportation Department. This will be completed prior to issuance of a temporary certificate of occupancy (TCO) for the project.

9. An upgraded transit shelter (with trash can, bench, map holder) will be provided by the applicant on the Asheland Avenue project frontage (east side) and also a bench will be provided near the existing transit stop on the west side of Asheland Avenue subject to available right-of-way. Both will be in place prior to CO.

10. Accessible pedestrian signals and push buttons will be installed at the intersection of Asheland and Hilliard by the applicant prior to issuance of a temporary certificate of occupancy (TCO) for the project.

11. Recommendations from the Final TIA and NCDOT's review will be completed by the applicant

prior to issuance of a certificate of occupancy (CO) for the project unless in conflict with another B-1 Condition, noting that the City maintains authority over improvements on City streets and in City rights-of-way.

12. Applicant will work with the City and fund any necessary right of way acquisition to achieve the improvements illustrated on the project's site plan along Federal Alley prior to issuance of a temporary certificate of occupancy (TCO) for the project.

13. The project includes at least 10% of the residential units to be dedicated for affordability at 80% AMI for at least 20 years and at least 10 of the affordable units will accept housing vouchers. The rent and income shall follow the Affordable and Workforce Housing Standards determined annually by the City of Asheville Community Development Department. An Affordable Housing Deed Restriction will be provided by the City and shall be filed and recorded by the applicant/property owner in the Buncombe County Register of Deeds prior to the project receiving the final zoning permit.

14. Signage shall be permitted separately and shall comply with Central Business District provisions in the code.

15. A separate process is required for closure of a portion of the unopened right-of-way that lies within the project area. Approval of the closure by City Council is required prior to issuance of a zoning permit.

16. All easements (sidewalks) shall be recorded prior to CO.

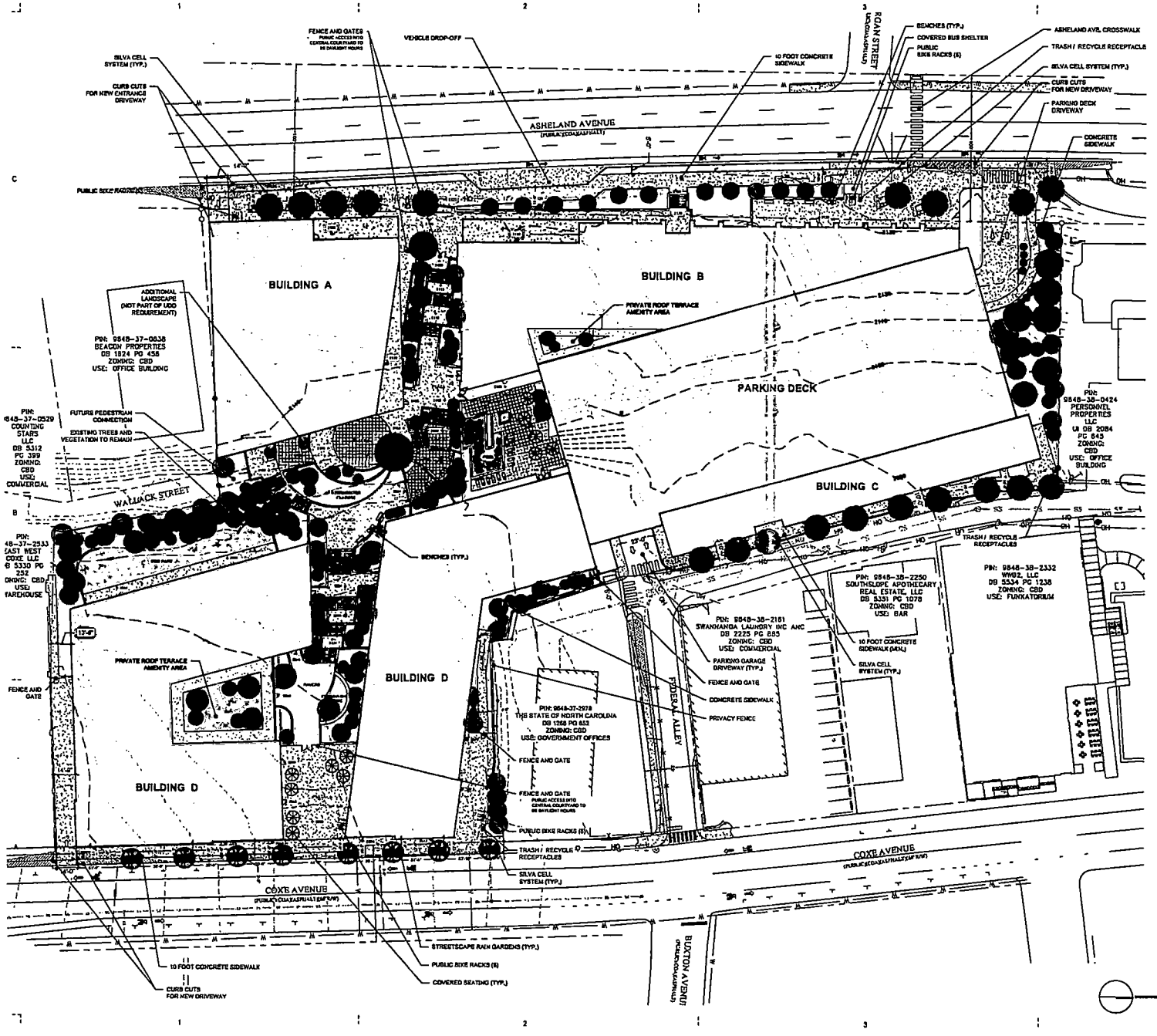
17. The building design, site design and orientation on site must substantially comply with the approved site plan and elevations which are incorporated herein by reference. Any major deviations from these plans will require a rezoning and re-review by the Downtown Commission for design review.

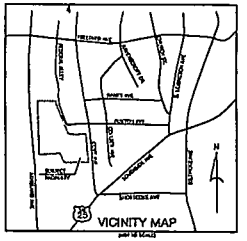
18. All legally required local, state, and federal permits and approvals must be obtained prior to initiation of construction and any pertinent legal requirements shall be met.

19. The conditional zoning will be valid for a period of two years from the date of approval by City Council. If a building permit is not obtained within two years, the approval will no longer be valid.

20. The applicant will fund any traffic calming measures which the City deems necessary as a result of the project up to $30,000.

16





811 Know what's below. Call before you dig.

mcmillan pazdan smith ARCHITECTURE

CDC

sitework STUDIOS

PRELIMINARY NOT FOR CONSTRUCTION

TRIBUTE COMPANIES

COXE/ASHELAND DEVELOPMENT

ASHEVILLE, NC

SHEET ISSUE:

NO.	DATE	DESCRIPTION	BY
1.	06/12/2019	TRC SUBMITTAL	MBS
2.	07/19/2019	DRC SUBMITTAL	MBS
3.	07/22/2019	TRC SUBMITTAL	MBS

PRINCIPAL IN CHARGE: MBS
PROJECT ARCHITECT: MBS
DRAWN BY:

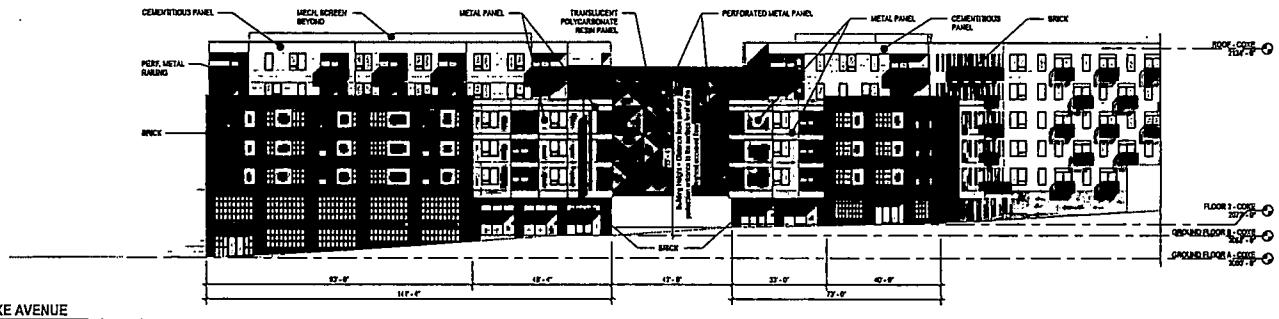
SHEET TITLE:

SITE DEVELOPMENT PLAN

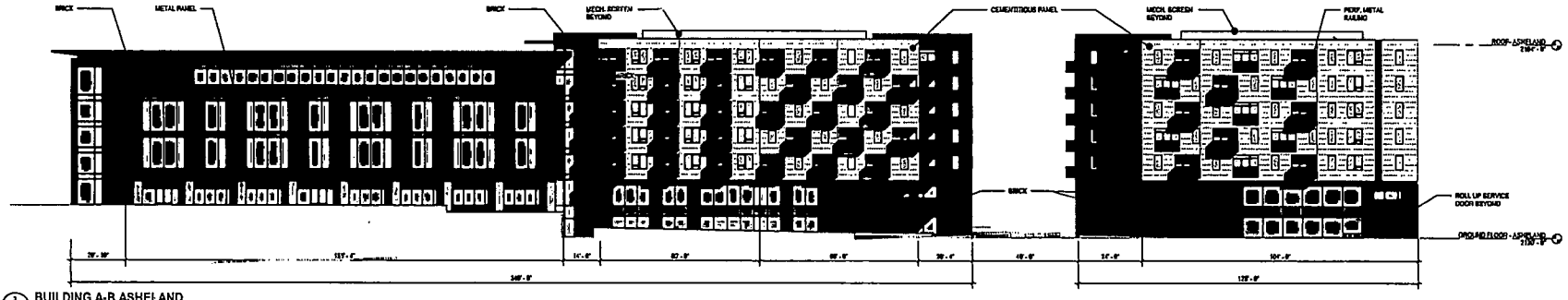
SHEET NO. L100

PROJ. NO.

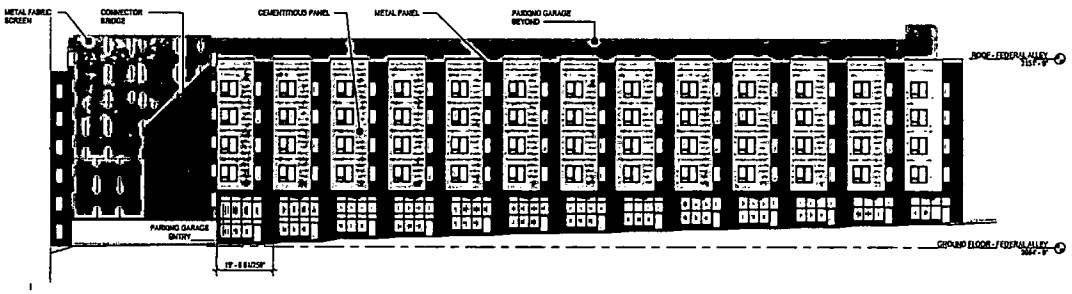
Exhibit D - 1 of 4



1 A102 BUILDING D COXE AVENUE
1" = 20'-0"



3 A102 BUILDING A-B ASHELAND
1" = 20'-0"



2 A102 BUILDING C FEDERAL ALLEY
1" = 20'-0"

DEVELOPMENT DATA

PROPERTY OWNER	TRIBUTE INVESTMENT & DEVELOPMENT, INC.	
CONTACT PERSON	MATT MAYNARD 10 SOUTH CARDINAL DRIVE WILMINGTON, NC 28403	
ZONING DISTRICT	CENTRAL BUSINESS DISTRICT (CBD)	
SETBACKS	N/A	
1 PROJECT LOCATION	172 ASHELAND AVENUE ASHEVILLE, NORTH CAROLINA	
1 PIN NUMBER	9548-38-0052	
1 SITE SQ. FT./ ACRES	106,722 SF / 2.45 ACRES	
2 PROJECT LOCATION	183 COXE AVENUE ASHEVILLE, NORTH CAROLINA	
2 PIN NUMBER	9548-37-2522; 9548-37-1922; 9548-37-2543	
2 SITE SQ. FT./ ACRES	88,349 SF / 1.98 ACRES	
3 PROJECT LOCATION	6 FEDERAL ALLEY ASHEVILLE, NORTH CAROLINA	
3 PIN NUMBER	9548-38-0052	
3 SITE SQ. FT./ ACRES	106,722 SF / 2.45 ACRES	
PARKING SPACES	973 SPACES (PROVIDED)	6 SPACES (REQUIRED)
ACCESSIBLE SPACES	25 SPACES (PROVIDED)	30 SPACES (REQUIRED)

BUILDING DATA

BLDG	STORIES/HEIGHT	GROSS FLOOR AREA	UNIT COUNT	LOCATION
A	58'	112,129 SF	100	ASHELAND B.
B(North)	47'	38,973 SF	-	ASHELAND N.
B(South)	58'	92,613 SF	88	ASHELAND N.
C	51'	41,991 SF	65	FEDERAL
D	58'	238,212 SF	243	COXE
E	70'	330,882 SF	-	PARKING GARAGE
TOTAL COMMERCIAL SF		84,987 SF	-	
TOTAL RESIDENTIAL SF		438,981 SF	488	
TOTAL SF (W/ PARKING)		833,598 SF		

mcmillan pazdan smith ARCHITECTURE

CDC

sitework STUDIOS

TRIBUTE COMPANIES

COXE / ASHELAND DEVELOPMENT

ASHEVILLE, NC

SHEET ISSUE:

NO.	DATE	DESCRIPTION	BY
5	8/22/19	DTC SUBMITTAL	

NOT FOR CONSTRUCTION

DTC SUBMITTAL 8/22/19

PRINCIPAL IN CHARGE: Approver
PROJECT ARCHITECT: Checker
DRAWN BY: Author

SHEET TITLE:
ELEVATIONS

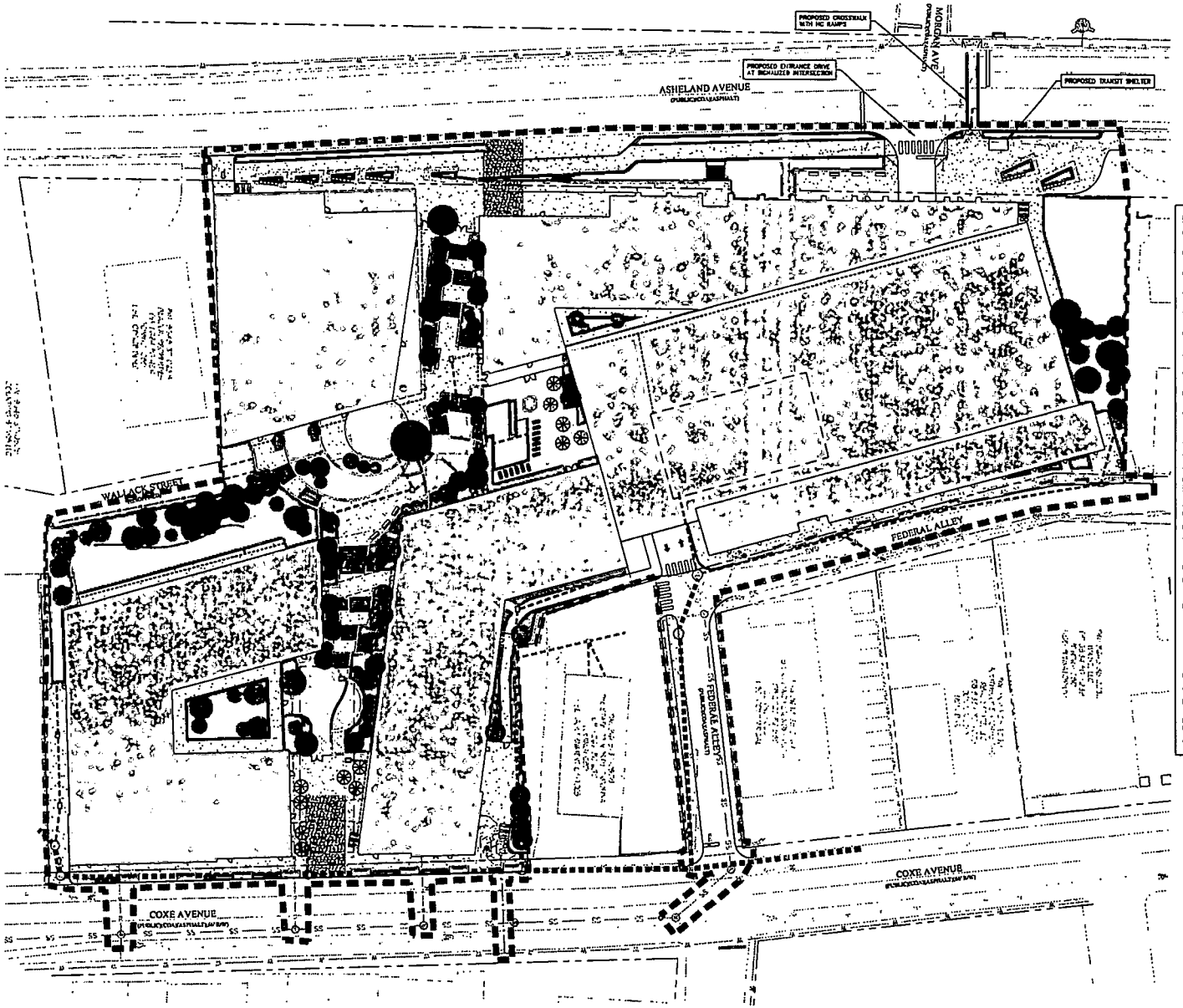
SHEET NO. PROJ. NO.

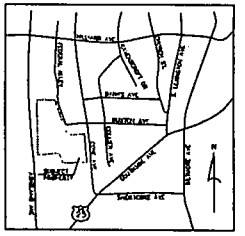
A102

Exhibit D - 2 of 4

17

18





VICINITY MAP
(NOT TO SCALE)

DEVELOPMENT DATA

OWNER/DEVELOPER:	TRIBUTE INVESTMENT & DEVELOPMENT, INC. 10 SOUTH CARDINAL DRIVE WILMINGTON, NC 28403
CONTACT:	MATT MAYNARD (910) 251-2388
CIVIL ENGINEER:	CIVIL DESIGN CONCEPTS, P.A. 188 PATTON AVENUE ASHEVILLE, NC 28801
CONTACT:	WARREN SUGG, P.E. (828) 252-5388
SURVEYOR:	WES COLE LAND SURVEYING, P.A. 549 FLK PARK DRIVE, SUITE 707 WOODFIN, NC 28804
CONTACT:	RONALD J. CUTSHALL, P.L.S. (828) 251-7025
ARCHITECT:	McMILLAN PAZDAN SMITH ARCHITECTURE 47 RANKIN AVENUE, SUITE 141 ASHEVILLE, NC 28801
CONTACT:	BRIAN T.H. COOK, A.I.A. (828) 398-5018
LANDSCAPE ARCHITECT:	SITEWORK STUDIOS 352 DEPOT STREET, SUITE 120 ASHEVILLE, NC 28801
CONTACT:	MATTHEW SPROUSE P.L.A. (828) 225-4945

PROJECT DATA-172 ASHELAND/185 COXE

PIN	9648-37-2643; 9648-38-0032; 9648-37-1928; 9648-37-2625
ADDRESS:	172 ASHELAND AVE.; 185 COXE AVE. 3 FEDERAL ALLEY
DEED BOOK/PAGE:	5781/1394;2583/800;5731/1274
SITE ACREAGE:	4.43 ± ACRES
ZONING:	CBD EXP
SETBACKS:	N/A (CBD EXP)
DISTURBED AREA:	8.29 AC

PARKING CALCULATIONS:

VEHICULAR:		
REQUIRED SPACES:	N/A (CBD EXP)	
SPACES PROVIDED:	973	
HANDICAPPED SPACES:		
SPACES REQUIRED: 20		SPACES PROVIDED: 23
BICYCLE:		
MINIMUM REQUIRED: 49		AMOUNT PROVIDED: 49

BUILDING DATA:

BUILDING	DESCRIPTION	HEIGHT	GFA
A	ASHELAND S.	78'	112,189 SF
B (N)	ASHELAND N.	–	25,973 SF
B (S)	ASHELAND N.	60'	90,613 SF
C	FEDERAL	60'	41,991 SF
D	COXE	76'	236,212 SF
E	PARKING GARAGE	70'	320,602 SF

UNIT COUNT: 488

COMMERCIAL SPACE: 83,000 SF

IMPERVIOUS CALCULATIONS:

	IMPERVIOUS	PERVIOUS
PRE-DEVELOPMENT:	2.89 ACRES (61%)	1.74 ACRES (39%)
POST-DEVELOPMENT:	4.03 ACRES (91%)	0.40 ACRES (09%)

COA PROJECT #: 19-04443 PZ

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NORTH

GRAPHIC SCALE

(IN FEET)
1 inch = 50 ft.

mcmillan pazdan smith ARCHITECTURE

CDC

sitework STUDIOS

LANDSCAPE ARCHITECTURE

PRELIMINARY NOT RELEASED FOR CONSTRUCTION

TRIBUTE COMPANIES

COXE/ASHELAND DEVELOPMENT

ASHEVILLE, NC

SHEET ISSUE:

NO.	DATE	DESCRIPTION	BY
1.	00/13/2019	TRC SUBMITTAL	MAD
2.	07/23/2019	TRC RESUBMITTAL	MAD
B	08/23/2019	DTC SUBMITTAL	MAD
C	13/03/2019	DRIVE REVISION	SDS

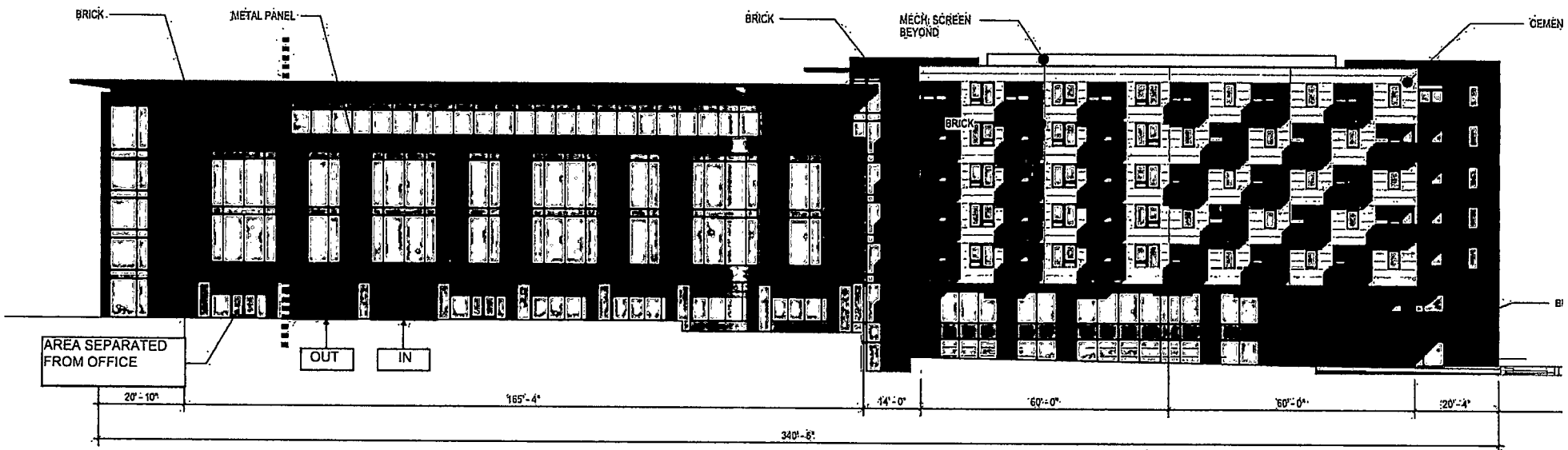
PRINCIPAL IN CHARGE: Approver
PROJECT ARCHITECT: Checker
DRAWN BY: Author

SHEET TITLE:
SITE PLAN-ALTERNATE

SHEET NO. PROJ. NO.

C201A

Exhibit D - 3 of 4



3 A102 BUILDING A-B ASHELAND

1" = 20'-0"

Alternate

Exhibit D
4 of 4

19

20

ORDINANCE NO. 4786

AN ORDINANCE AMENDING ARTICLE II, DIVISION 1, SECTIONS 23 AND 24 OF APPENDIX C OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE

WHEREAS the City of Asheville has the authority under N.C. Gen. Stat. § 20-141 to regulate speed limits within its corporate limits; and

WHEREAS the City Council has determined that the speed limit for a section of West Haywood Street should be set at twenty miles per hour; and

WHEREAS the City Council has determined that the speed limit for Asbury Road, Bassett Road, Bearden Avenue, Briarcliff Drive, Buffalo Street, Cameron Street, Creasman Place, Elizabeth Street, Fawn Drive, Forsythe Drive, Hampstead Road, Hilliard Avenue, Oakwilde Drive, Selwyn Place, Thompson Street, a section of West Haywood Street, West Street, and Windswept Drive should be set at twenty five miles per hour; and

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

Section 1: That Article II, Division I, Section 23 (b) of Appendix C of the Code of Ordinances of the City of Asheville (Speed Limits – Twenty miles per hour, City system) be amended to remove:

Thompson Street, in its entirety

Section 2: That Article II, Division I, Section 23 (b) of Appendix C of the Code of Ordinances of the City of Asheville (Speed Limits – Twenty miles per hour, City system) be amended to include:

West Haywood Street, from Park Avenue North to Roberts Street

Section 3: That Article II, Division I, Section 24 (b) of Appendix C of the Code of Ordinances of the City of Asheville (Speed Limits – Twenty Five miles per hour, City system) be amended to include:

Asbury Road, from Wolfe Cove Road to Bassett Road

Bassett Road, from Wolfe Cove Road to Spooks Branch Road

Bearden Avenue, from Cumberland Avenue to Montford Avenue

Briarcliff Drive, from SR 3503 (Overlook Road) to Stancliff Drive

Buffalo Street, from Burton Street to a point 320 feet north of Ohio Street

Cameron Street, from Arlington Street to NC 694 (Town Mountain Road)

Creasman Place, from Selwyn Road to a point 550 feet north of Selwyn Road

Elizabeth Street, from Broadway to Cumberland Avenue

Fawn Drive, from Briarcliff Drive to Oakwilde Drive

Forsythe Drive, from Woodrow Avenue to North Street

Hampstead Road, from Manetta Road to Country Club Road

Hilliard Avenue, from West Haywood Street to SR 3548 (Clingman Avenue)

Oakwilde Drive, from Briarcliff Drive to a point 650 feet west of Stancliff Drive

Selwyn Place, from Selwyn Road to a point 300 feet north of Selwyn Road

Thompson Street, from US 25 (Hendersonville Road) to a point 750 feet north of Glendale Avenue

West Haywood Street, from Hilliard Avenue to Park Avenue North

West Street, from Forsythe Avenue to North Street

Windswept Drive, from College Street to Alexander Drive

Section 4: That all Ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed.

Section 5: That this Ordinance shall be in full force and effect upon adoption by the City of Asheville and the erection of signs giving notice of the authorized speed limit.

Read, approved and adopted this 14th day of January, 2020.

Magdalen Burleson
City Clerk

Edwin G. Max
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

22

ORDINANCE NO. 4787

ORDINANCE AMENDING THE FISCAL YEAR 2019-20 FEES & CHARGES

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The attached changes to the Fiscal Year 2019-20 fees and charges, attached hereto and made a part hereof, be adopted.

That this ordinance shall be in full force and effective adoption.

Read, approved and adopted this 28th day of January, 2020.

Magdalen Burleson
City Clerk

Esther G. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

THE CITY OF ASHEVILLE

Harrah's CHEROKEE CENTER • ASHEVILLE

8 River Arts Place

Effective October 2019, the Harrah's Cherokee Center Asheville has begun booking and managing 8 River Arts Place, a City Owned asset gifted from PSNC Energy as part of the River Arts Transportation Improvement Project. The long term goal for the facility is a single year round tenant. However, beginning with its opening for public use in July of 2017, the facility will be used for pop up shops and special events until completion of construction in the River Arts District.

More information concerning the facility can be found HERE.

If you are considering 8 River Arts Place for an upcoming event please contact Marcia Hart.

Rental and rate information is below. For more detailed information on booking an event or renting a space please contact:

Rental Inquiries

Marcia Hart,
Events Administrator
828-259-5743
mhart@ashevillenc.gov

THE CITY OF ASHEVILLE

Harrah's CHEROKEE CENTER • ASHEVILLE

8 River Arts Place

Booking Policies and Procedures

Photos of the facility can be found HERE.

Booking Policies:

Advance Booking Policy (12 months or less)

1. Contracts are to be issued as soon as possible after the maximum confirmation time.
2. A deposit will be due within 15 days after the contract issuance.
3. Final payment for the facility rent identified in the contract is due 30 days prior to the actual event or as stipulated in the contract.

Tentative Holds:

All tentative holds will be for a maximum of 14 days (two weeks.) in that time, it is expected that the interested client will either confirm the date(s) and request a contract or release the date(s.) If the client has not confirmed the date(s), the date(s) are released and become open and available for others to book. A designation of event type and/or headline must be given for the facility to hold any dates.

Challenges to tentative date(s) or events contracted without a deposit:

When a date held by a prospective client on a tentative basis or a contract has been issued, but not returned with a deposit the following challenge procedure may be initiated by a second client interested in the date in question.

1. The client challenging the date will present a payment equal to the minimum rent of the facility and the security deposit to the Harrah's Cherokee Center Asheville.
2. At the time the challenge deposit is received, the first client will be notified by telephone and email that a challenge for the date has been received.
3. If the first client wishes to secure the date(s), they have two (2) business days (48 hours) after receiving notification of the challenge, to present the required deposit and complete a contract.
4. If the first client elects to secure the date, the second client will receive a full refund of their deposit.
5. If the first client does not secure the date within the required time, the second client (challenger) receives the date and will be required to execute a contract immediately.

THE CITY OF ASHEVILLE Harrah's CHEROKEE CENTER • ASHEVILLE

8 River Arts Place

6. Deposits applied to dates received through the challenge process will not be refunded under any circumstances regardless of when the cancellation occurs.

Cancellation:
Should an event be canceled by client no deposit refund shall be made.

Excluded Events:
The City of Asheville elects to refrain from contracting with promoters producing events which include any performing wild or exotic animals.

"Last Minute" Events:
The Harrah's Cherokee Center Asheville reserves the right to Double all rates, inclusive of staff hourly wages for events which execute a contract less than fourteen (14) days prior to the event date. Additionally the Harrah's Cherokee Center Asheville reserves the right to triple all rates, inclusive of staff hourly wages for events which execute a contract less than five (5) days prior to the event date.
All 'Last Minute' events must supply a deposit equal to 100% of the anticipated total expenses for the event PRIOR to event set up. Any unused funds will be refunded within a mutually agreeable timetable after the conclusion of the event.

26

THE CITY OF ASHEVILLE

Harrah's CHEROKEE CENTER - ASHEVILLE

8 River Arts Place

Rates

8 River Arts Place Rental Fees*		
Special Event Rental Rates	Base	Non-Profit & Arts Based community Rental
Weekday: Monday - Thursday	$750.00	$375.00
Weekend: Friday - Sunday	$1,500.00	$750.00
Weekly/Monthly Reoccurring: Weekday	$500	$300.00
Weekly/Monthly Reoccurring: Weekend	$1,000	$700.00
	Outdoor Use Only	Indoor & Outdoor Use
Farmer's Market	$100	$375.00
*or as negotiated		
**all rentals require a $200 refundable security deposit or deposit equal to full rent, whichever is less		
Labor & Event Staffing Rates		
Event Coordinator	$25.00	per hour
Custodial/Laborer	$18.00	per hour
Police	$46.00	per hour
Medical	$45.00	per hour
AV Tech	$36.00	per hour
All staff positions require a 4 hour minimum call		
Event Coordinator required on site for all hours facility is occupied.		
Monthly Rental: Commercial/Private*	$1,850.00	
Non-Profit & Arts Based community Rental*	$460.00	
30+ day leases based on a $16/sq ft rental rate. Indoor square footage of community space is 1182		
*or as negotiated		

THE CITY OF ASHEVILLE

Harrah's CHEROKEE CENTER - ASHEVILLE

8 River Arts Place

Leasing & Short Term Occupancy		
Temporary Occupancy Permit	30 days or less	
Lease can be for any amount of time negotiated	Less than 12 months City Manager can sign	
Equipment Rental Rates**		
Table - (8' banquet, 60" round, 30" high top)	$10.00	Each
Chair - (metal folding).	$1.00	Each
Chair - (brown metal folding with pad)	$2.00	Each
Cloth Table Cover - Black	$10.00	Each
Cloth Table Skirt- Black	$15.00	Each
Projector*	$200.00	Each
Projector Screen	$25.00	Each
Portable Sound system with microphone*	$150.00	Each
Easel	$5.00	Each
*AV equipment requires on site AV tech - 4 hour min		
**or as negotiated		

Catering & Concessions

All catering must be performed by caterers who have the necessary permits, certifications and licenses to do business in Buncombe County and the City of Asheville. It is the responsibility of the LESSEE to make arrangements with only a caterer who has these permits, certifications and licenses. Caterers are responsible for clean-up and removal of all items at the conclusion of the event. Additional charges will apply if clean up requirement is not met.

28

ORDINANCE NO. 4788

ORDINANCE AMENDING THE FISCAL YEAR 2019-20 FEES & CHARGES

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The attached changes to the Fiscal Year 2019-20 fees and charges, attached hereto and made a part hereof, be adopted.

That this ordinance shall be in full force and effective adoption.

Read, approved and adopted this 28th day of January, 2020.

Magdalen Burleson
City Clerk

Esther G. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

Harrah's CHEROKEE CENTER • ASHEVILLE

The Harrah's Cherokee Center Asheville has earned a reputation for exceptional guest services in our community and nationwide. With a staff that is dedicated to maintaining the highest standards, the Harrah's Cherokee Center Asheville works to make every event a success.

The Harrah's Cherokee Center Asheville provides world-class entertainment and trade shows to the people of Western North Carolina and the Upstate of South Carolina. The facility's venue space is versatile and can support large and small concerts, exhibits, trade shows, conferences and meetings. Located in the heart of beautiful downtown Asheville, the Harrah's Cherokee Center Asheville is comprised of three main venues with additional meeting room space:

>ExploreAsheville.com Arena
>Thomas Wolfe Auditorium
>Exhibition Hall
> Meeting Space: Banquet Hall, Press Room & Meeting Rooms 1 – 9

If you are considering the Harrah's Cherokee Center Asheville for an upcoming event, you can expect exceptional customer service and a willingness to go above and beyond what is expected to serve your needs. It is our job to make your guests feel welcome, safe and comfortable. All of us here at the Harrah's Cherokee Center Asheville continually strive to make them want to return here again and again. Rental and rate information is below. For more detailed information on booking an event or renting a space please contact:

Rental Inquiries

Marcia Hart,
Events Administrator
828-259-5743
mhart@ashevillenc.gov

RFP's, Purchases & Promotions

Chris Corl
General Manager
828-259-5452
ccorl@ashevillenc.gov

Booking Policies and Procedures

A walk-through tour of the Thomas Wolfe Auditorium can be found HERE.

A walk-through tour of the Banquet Hall can be found HERE.

A walk-through tour of the ExploreAsheville.com Arena in basketball set up can be found HERE.

Booking Policies:

Advance Booking Policy (12 months or less)

1. Contracts are to be issued as soon as possible after the maximum confirmation time.
2. A deposit will be due within 15 days after the contract issuance.
3. Final payment for the facility rent identified in the contract is due 30 days prior to the actual event or as stipulated in the contract.
4. Payment of optional equipment and personnel are due at box office settlement, when sales are handled by Harrah's Cherokee Center Asheville. Otherwise, a final invoice will be completed by the Harrah's Cherokee Center Asheville and payment shall be required within 30 days of billing. Non-payment will result in additional interest charges of 1.5% per month (18% annually.)

Tentative Holds:

All tentative holds will be for a maximum of 14 days (two weeks.) in that time, it is expected that the interested client will either confirm the date(s) and request a contract or release the date(s.) If the client has not confirmed the date(s), the date(s) are released and become open and available for others to book. A designation of event type and/or headline must be given for the facility to hold any dates.

Challenges to tentative date(s) or events contracted without a deposit:

When a date held by a prospective client on a tentative basis or a contract has been issued, but not returned with a deposit the following challenge procedure may be initiated by a second client interested in the date in question.

1. The client challenging the date will present a payment equal to the minimum rent of the facility be challenged to the Harrah's Cherokee Center Asheville.
2. At the time the challenge deposit is received, the first client will be notified by telephone and email that a challenge for the date has been received.

Rates

Facility Rental Rates

EploreAsheville.com Arena:
Ticketed events: $3500.00 vs. 10% of Net Gross Ticket Receipts whichever is greater. Net Gross is actual gross less 7% North Carolina State Sales Tax and a 2% City Surcharge. Tickets must be sold by the Harrah's Cherokee Center Asheville Box Office.
All Other events: $4,500.00 per day. Additional time after midnight $50.00 per hour.
Non-Permitted outside food & beverage fee: $1,200. To be charged if and only if a renting client allows unapproved outside food & beverage to enter the facility.
*Or as negotiated

Thomas Wolfe Auditorium:
Ticketed events: $1500.00 vs. 10% of Net Gross Ticket Receipts whichever is greater. Net Gross is actual gross less 7% North Carolina State Sales Tax and a 2% City Surcharge. Tickets must be sold by the Harrah's Cherokee Center Asheville Box Office.
All Other events: $2,500.00 per day. Additional time after midnight $50.00 per hour.
Non-Permitted outside food & beverage fee: $500. To be charged if and only if a renting client allows unapproved outside food & beverage to enter the facility.
*Or as negotiated
Non-Profit Rate: *non-ticketed events only* $750 & all equipment charged at 50% posted rates. Applies Monday, Tuesday and Wednesday only.

Exhibit Hall:
Ticketed events: $1000.00 vs. 10% of Net Gross Ticket Receipts whichever is greater. Net Gross is actual gross less 7% North Carolina State Sales Tax and a 2% City Surcharge. Tickets must be sold by the Harrah's Cherokee Center Asheville Box Office.
All Other events: $1,500 per day. Additional time after midnight $50.00 per hour.
Non-Permitted outside food & beverage fee: $500. To be charged if and only if a renting client allows unapproved outside food & beverage to enter the facility.
*Or as negotiated

Banquet Hall:
$1,500 or as negotiated based on needs. Rent to include; tables, chairs, all necessary staging, all in house A/V equipment. Rent NOT to include; table covers/skirts, food & beverage, additional outside rental A/V equipment if requested, ticketing services if requested, any item not listed under 'Rent to Include.'
*Or as negotiated
Non-Profit Rate: $500 per day 8am - 5pm. All hours outside of this window charged at $100/hr in full hour increments.

3. If the first client wishes to secure the date(s), they have two (2) working days (48 hours) after receiving notification of the challenge, to present the required deposit and complete a contract.
4. If the first client elects to secure the date, the second client will receive a full refund of their deposit.
5. If the first client does not secure the date within the required time, the second client (challenger) receives the date and will be required to execute a contract immediately.
6. Deposits applied to dates received through the challenge process will not be refunded under any circumstances regardless of when the cancellation occurs.

Reservations for Performers:
If two clients are negotiating for the same act or performer, the facility will place the hold in the act's name, upon the act determining which promoter will produce the show, the contract will be issued to that promoter/client.

Cancellation:
Should an event be canceled by client no deposit refund shall be made.

Scheduling Other Events:

1. The Harrah's Cherokee Center Asheville may schedule and contract with other events in parts of the facility which are not part of the client's agreement.
2. The Harrah's Cherokee Center Asheville may schedule and contract similar events both before and after the dates of a client's agreement without notice to the client, unless otherwise specified in writing in the contract agreement.

Excluded Events:
The Harrah's Cherokee Center Asheville elects to refrain from contracting with promoters producing events which include any performing wild or exotic animals.

"Last Minute" Events:
The Harrah's Cherokee Center Asheville reserves the right to Double all rates, inclusive of staff hourly wages for events which execute a contract less than fourteen (14) days prior to the event date. Additionally the Harrah's Cherokee Center Asheville reserves the right to triple all rates, inclusive of staff hourly wages for events which execute a contract less than five (5) days prior to the event date.
All 'Last Minute' events must supply a deposit equal to 100% of the anticipated total expenses for the event PRIOR to event set up. Any unused funds will be refunded within a mutually agreeable timetable after the conclusion of the event

Meeting Rooms 1 - 9 & Press Room:
$1,000 or as negotiated based on needs. Rent to include; tables, chairs, all necessary staging, all in house A/V equipment. Rent NOT to include; table covers/skirts, food & beverage, additional outside rental A/V equipment if requested, ticketing services if requested, any item not listed under 'Rent to Include.'
*Or as negotiated

Box Office Service Fees

EploreAsheville.com Arena:
Ticketed events: $300.00 vs. 3% of Net Gross Ticket Receipts whichever is greater. Net Gross is actual gross less 7% North Carolina State Sales Tax and a 2% City Surcharge. Tickets must be sold by the Harrah's Cherokee Center Asheville Box Office.
All Other events: Not Applicable
*Or as negotiated

Thomas Wolfe Auditorium:
Ticketed events: $350.00 vs. 3% of Net Gross Ticket Receipts whichever is greater. Net Gross is actual gross less 7% North Carolina State Sales Tax and a 2% City Surcharge. Tickets must be sold by the Harrah's Cherokee Center Asheville Box Office.
All Other events: Not Applicable
*Or as negotiated

Exhibit Hall:
Ticketed events: $250.00 vs. 3% of Net Gross Ticket Receipts whichever is greater. Net Gross is actual gross less 7% North Carolina State Sales Tax and a 2% City Surcharge. Tickets must be sold by the Harrah's Cherokee Center Asheville Box Office.
All Other events: Not Applicable
*Or as negotiated

Banquet Hall:
Ticketed events: $250.00 vs. 3% of Net Gross Ticket Receipts whichever is greater. Net Gross is actual gross less 7% North Carolina State Sales Tax and a 2% City Surcharge. Tickets must be sold by the Harrah's Cherokee Center Asheville Box Office.
All Other events: Not Applicable
*Or as negotiated

Catering & Concessions

Catering may be performed within the facility by either the HCCA catering department or by one of the many approved outside caterers, the current list can be found HERE.

Public Concessions come with three options for your event, or as negotiated:

Basic Concessions:

Included in facility rental, HCCA Concessions Department to determine what times are most applicable for the stand to be open during the event, which location is most feasible to open and which menu options will be available for sale. "No outside food or beverage" policy remains in effect even if concession stand is not open until 1 or 2 hours after the start of a given event.

- *Basic Concessions to include, but not limited to:*
  - 20oz Bottled Pepsi Products
  - Gatorade
  - Assorted Candies
  - Hot Dogs
  - Nachos
  - Popcorn
  - GF Kettle Chips
- *Additional Concessions at the HCCA's Discretion:*
  - Pork BBQ
  - Taylor Farms Heart healthy menu
  - Pizza
  - Brats
  - Burgers
  - Chicken Sandwiches
  - Juice Boxes
  - PBJ Sandwiches
  - Beer/Wine
  - Liquor

Open to Close Concessions:

Basic concessions plus a guarantee that the concession operation will be open and operational for all hours as requested by client. "No outside food or beverage" policy remains in effect. Additional cost of $230-275 per hour (costs vary on stand size & required number of staff).

Product request concessions:

Concession hours of operation set by request of client. Product offerings at the request of client (some limitations will apply due to physical limitations of facility). "No outside food or beverage" policy remains in effect. $2,500-$5,000 minimum sales requirement (costs vary on stand size and items requested). If minimum isn't met by sales to public, client responsible for the difference.

Personnel & Equipment:

All rates subject to negotiation. Personnel: Minimum 4 hour calls apply.

Audio/Visual Tech	$36.00/hr
Custodial	$20.00/hr
Door Guard	$16.50/hr
Electrician	$25.00/hr
EMT (Emergency Medical Technician)	$45.00/hr
Event Coordinator	$22.50/hr
Equipment Operator	$22.00/hr
Fire Watch (AFD Personnel)	$48.00/hr
Fire Watch (Contractor Personnel)	$25.00/hr
Graphic Artist	$35.00/hr (2 hour minimum)
Laborer	$20.00/hr
Police Officer	$42.00/hr
Police Officer Supervisor	$48.00/hr
T-Shirt Security	$17.50/hr
T-Shirt Security Supervisor	$19.50/hr
T-Shirt Security Overnight	$19.50/hr
Ticket Seller	$16.50/hr
Ticket Taker	$16.50/hr
Usher	$16.50/hr

Equipment: On an as available schedule. All equipment is finite in number. We urge you to communicate your needs as soon as you know them and at least 15 days prior to your event.

Basketball Floor	$600/day
Bike Rack Barricades	$10/each/event
Cable Trays	$5/each/event
Chairs (metal)	$0.75/each/event
Chairs (padded)	$2/each/event
Dumpster (if additional containers are needed)	Quoted based on event needs
Easel	$10/each/event
Exhibit Booth: P&D Only	$20/booth/event
Exhibit Booth: P&D, Table, 2 Padded Chairs	$35/booth/event
Exhibit Booth: P&D, Table, 2 Padded Chairs, Cover & Skirt	$65.00/booth/show
Follow Spots (Super Troupers & Tango)	$100/each/event
Forklift (operator additional cost)	$150/each/day
Iron & Ironing Board	$30/day
Lectern/Podium	$10/each/event
Microphone hard wired	$15/each/event
Microphone Wireless	$30/each/event
Microphone Lavaliere	$30/each/event

Orchestra Shell	$300/day
Photo Copies	$0.25 each
Pianos (Tuning not included)	
Piano Baldwin Grand (arena only)	$300/day
Piano Steinway Concert Grand (auditorium only)	$500/day
Piano upright	$50/day
Pipe & Drape (Blue & Black Available)	$1/running foot/event
Sound System	$100/day
Staging/Risers/Steps (4'x8' sections)	$15/each
Table Cloths	$10/each
Table Skirts	$15/each
Table Covers for High Tops	$15/each
Tables (8'x30" rectangular, 30" round high top or 60" round)	$10/each
Fully Dressed Table	$35/each
Theater Curtain Set up	$3,050 flat
Towels Bath	$4/each
Towels Hand	$2/each
Washer/Dryer Rental	$50/day

Utilities

Telephone Line Installation	$125/line
Wireless Internet Hookup	$200 for 1st day, $50 each additional day
Electrical	
Per 15 amp circuit (advance)	$65 for 1st day, $10 each additional day
Per 15 amp circuit (floor rate)	$85 for 1st day, $10 each additional day
208v, 20 amp, single phase	$85 for 1st day, $25 each additional day
208v, 20 amp, three phases	$110 for 1st day, $25 each additional day
Power Strip	$20/each/event
Extension cord (25ft)	$25/each/event
Water Hook up (limited to select locations	$75/each/event

I.A.T.S.E Local 278

All questions concerning this rate schedule, film and/or video productions and any/all communications, riders etc., concerning employment of the union technical personnel within this Local's jurisdiction shall be directed to:

Erik McDaniel
Business Agent
P.O. Box 2071
Asheville, NC 28802
Office: 828-545-0641
Email: iatseba278@gmail.com

Wage Rates for stage presentations, performances, dances, exhibits, schools or other commercial or non commercial events, shall be as follows (All calls are four (4) hour minimum) :

	8:00 am to 12:00 midnight (standard rate)	12:00 midnight to 8:00 am (Over-time Rate)
Stagehand-Wardrobe-Labor	$19.53/hour	$29.30/hour
Spotlight, Sound, Loader, Fork	$22.05/hour	$33.08/hour
Flyman	$24.57/hour	$36.86/hour
Job Steward (required on calls of six (6) men or greater)	$28.35/hour	$42.53/hour
Electrician	$28.35/hour	$42.53/hour
Riggers and truss spot operators	$28.35/hour	$42.53/hour

Each move-in, rehearsal, performance, move -out, house strip, or house restore shall be considered a separate four (4) hour minimum call. All time exceeding the four (4) hour minimum call shall be computed in one-half (1/2) hour increments.

- All employees shall be allowed a one (1) hour meal break after five (5) hours of work. If the employer provides the meal, one half (1/2) hour shall be allowed with no stoppage of time.
- If no meal break is allowed: ALL time worked after five (5) hours, until a meal break is allowed, shall be at TWICE the above rates.
- All time worked after eight (8) hours in one (1) day, or between midnight and seven (7) A.M. shall be at one and one half (1.5) times the above standard rates.
- All time worked on the following holidays shall be at one and one half (1.5) the above standard rates.
    - New years Day, Martin Luther King J. Birthday, Easter, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Eve and Christmas Day, New Year's Eve.
- The above rates include a twenty-six percent (26%) fee for:
    - FICA, Workman's compensation, Insurance and Payroll
- Invoices not paid within thirty (30) days are subject to a 1.5% monthly service charge (18% annual)

38

ORDINANCE NO. 4789

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Fiscal Year 2019-20 Budget Ordinance be amended to provide an appropriation of $332,174.00 in the Transit Operating and Transit Muli-Year Project Funds to accept Section 5310 grant funding from the Federal Transit Administration and to fund pass-through grants to sub-recipients as follows:

TRANSIT OPERATING FUND

Revenues:

Restricted Intergovernmental Federal Grants	$132,217.00
Total Revenues	$132,217.00

Appropriations:

Personnel Expenses	$33,217.00
Paratransit	$99,000.00
Total Appropriations	$132,217.00

TRANSIT CAPITAL PROJECTS FUND

Revenues:

Restricted Intergovernmental Federal Grants	$199,957.00
Total Revenues	$199,957.00

Appropriations:

Transit Pass Through Grant	$199,957.00
Total Appropriations	$199,957.00

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 28th day of January, 2020.

Magdalen Burleson
City Clerk

Esther G. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

ORDINANCE NO. 4790

AN ORDINANCE APPLYING THE PARKING REGULATIONS OF CHAPTER 19, ARTICLE V, DIVISION 1 OF THE CITY OF ASHEVILLE CODE OF ORDINANCES TO THE PUBLIC VEHICULAR AREAS ON LAND OWNED BY THE GREATER ASHEVILLE REGIONAL AIRPORT AUTHORITY

WHEREAS the City of Asheville has the authority under N.C. Gen. Stat. § 160A-301(d) to regulate and administer parking on privately-owned public vehicular areas when the owner of such areas requests in writing that the City regulate parking on its land; and

WHEREAS the Greater Asheville Regional Airport Authority has requested in writing that the City of Asheville regulate and administer parking at the airport; and

WHEREAS the Greater Asheville Regional Airport Authority and the City of Asheville agree that this action will create a good partnership opportunity.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

Section 1: The provisions of Chapter 19, Article V, Division 1 of the City of Asheville Code of Ordinances shall apply to all public vehicular areas located on land owned by the Greater Asheville Regional Airport Authority. The City shall administer and enforce the application of these parking regulations.

Section 2: Any part or provision of this ordinance found by a court of competent jurisdiction to be in violation of the Constitution or laws of the United States or North Carolina is hereby deemed severable and shall not affect the validity of the remaining provisions of the ordinance.

Section 3: That this Ordinance shall be in full force and effect upon adoption by the City of Asheville.

Read, approved and adopted this 11th day of February, 2020.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

40

ORDINANCE NO. 4791

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Fiscal Year 2019-20 Budget Ordinance be amended to provide an appropriation of $5,000 to accept private donations to assist in the purchase of K-9 ballistic vests as follows:

GENERAL FUND

Revenues:

Private donations	$5,000

Appropriations:

Supplies - Safety Equipment	$5,000

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 25th day of February, 2020.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

ORDINANCE NO. 4792

ORDINANCE APPROVING AN ANNEXATION AGREEMENT BETWEEN THE CITY OF ASHEVILLE AND THE TOWN OF FLETCHER DESIGNATING A NON-CONTIGUOUS AREA AS NOT SUBJECT TO ANNEXATION BY FLETCHER

WHEREAS, the City of Asheville has received a petition to annex a 2.01 acre property located in Buncombe County that is non-contiguous to the primary corporate limits of the City of Asheville in accordance with the provisions of N.C.G.S. 160A-58.1; and

WHEREAS, it has been determined that the property for which annexation is requested is closer to the primary corporate limits of the Town of Fletcher than it is to the primary corporate limits of the City of Asheville and therefore, does not meet the standard set out in N.C.G.S. 160A-58.1(b)(2) which is one of the standards required in order for a non-contiguous area to be annexed; and

WHEREAS, a city may annex a non-contiguous area that does not meet the standard set out in subdivision (b)(2) referenced above, if the city has entered into an annexation agreement with the city whose corporate limits are closer to the area proposed to be annexed and the agreement states that the other city will not annex the area; and

WHEREAS, Asheville and Fletcher have determined they would like to enter into an Annexation Agreement in accordance with N.C.G.S. 160A-58.23 concerning future annexation of the property described herein in order to facilitate efficient growth and land use planning; and

WHEREAS, at a public hearing on February 3, 2020, the Town of Fletcher adopted Ordinance No. 0-20-01 approving an Annexation Agreement with the City according to the terms and conditions referenced herein; and

WHEREAS, in order to be valid, Annexation Agreements require approval by ordinance of the governing board and execution by the mayor of each city;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. An Annexation Agreement between the City of Asheville and the Town of Fletcher is hereby approved subject to the following terms and conditions:

1. Annexation Area. The proposed annexation area (herein "Annexation Area") to which this Agreement shall apply is a non-contiguous, 2.01 +/- acre property located a 9 Brian Boulevard and identified in the Buncombe County tax records as PIN 9643-85-3550 which is shown on the map attached hereto and incorporated herein as Exhibit A (Map showing both corporate limits) and more particularly described in Exhibit B (Legal Description) attached hereto and incorporated herein by reference.

2. Agreement not to Annex. The Town of Fletcher agrees not to commence any annexation procedure nor adopt any annexation ordinance the purpose of which is to annex any portion of or all of that Annexation Area described above.

3. Term. The term of the Agreement shall be for twenty (20) years.

4. Waiver of Notice. The Town of Fletcher agrees to waive the requisite 60 day notice of proposed annexation of the Annexation Area by the City of Asheville as allowed by N.C.G.S. 160A-58.24 (5).

Section 2. All ordinances and clauses of ordinances in conflict herewith be and the same are hereby repealed to the extent of such conflict.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 25th day of February, 2020.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

Context Map for 9 Brian Blvd

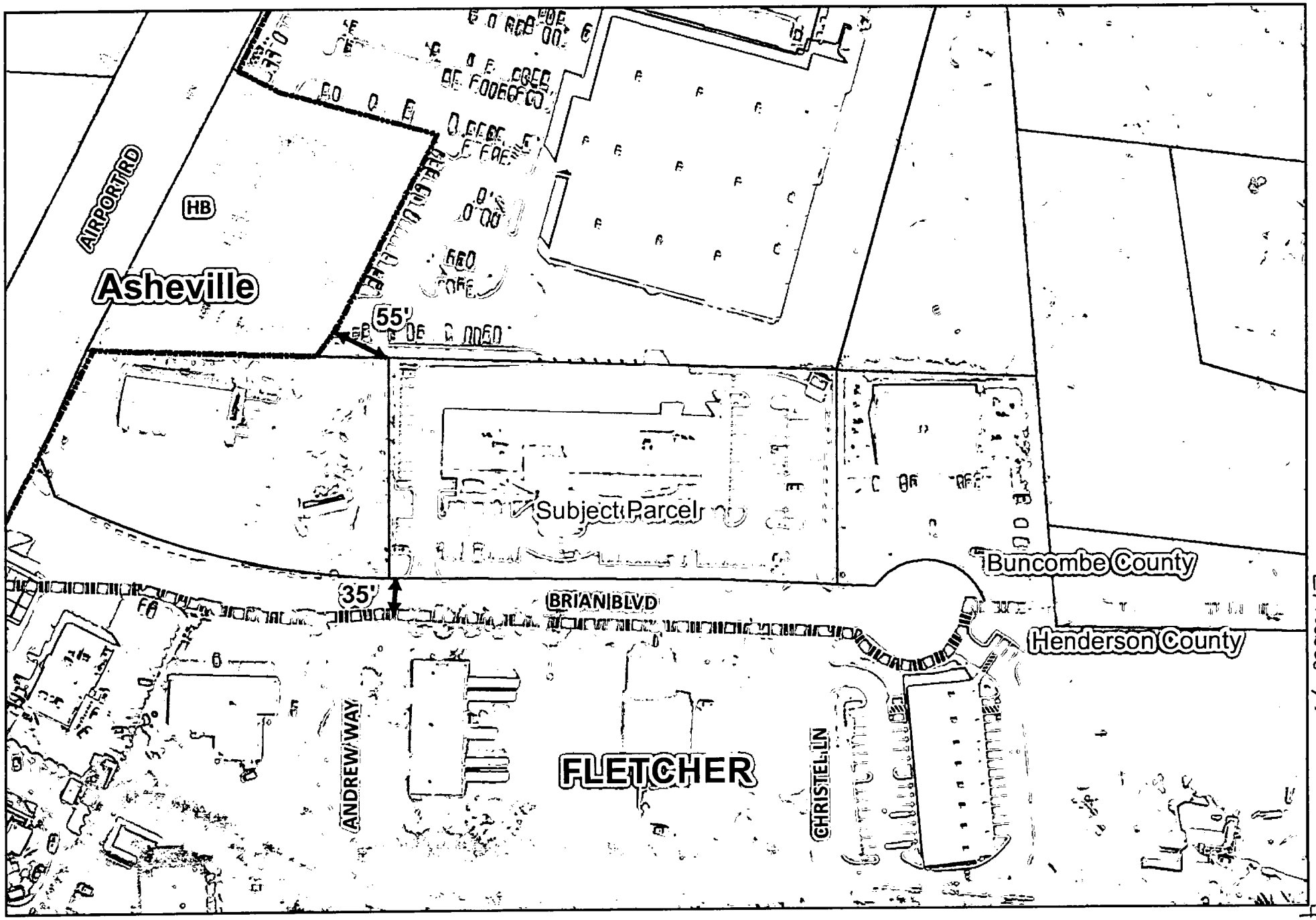


Exhibit A

44

EXHIBIT B

Boundary Description
Butel Two, LLC
Voluntary Annexation by the City of Asheville NC

Beginning on an iron rod set in the northern margin of the sixty foot right of way of Brian Boulevard, said iron rod is a common corner of Lots 13 and 14 of Asheville Airport Plaza as shown on plat book 61 page 51 of the Buncombe County Register of Deeds, said iron rod has North Carolina Grid System coordinates of: N635354.13' NAD 27, E948249.85' NAD 27 and N635409.97' NAD 83-2011, E948321.74' NAD 83-2011, said iron rod stands N 43° 42' 02" E 1729.15' from North Carolina Grid System monument "Port", "Port has North Carolina Grid System coordinates of: N634104.17' NAD 27, E947055.34' NAD 27 and N634160.01' NAD 83-2011, E947127.23' NAD 83-2011; thence from said Beginning point and with the northern margin of Brian Boulevard and the southern line of said Lot 14, N 88° 04' 55" W 189.58' to an iron rod found; thence leaving the northern margin of Brian Boulevard and the southern line of said Lot 14, with the east line of the Sheppard Legacy, LLC property as described in deed book 5173 page 65 and shown on plat book 126, page 29, N 1° 50' 39" E 200.00' to an iron rod found; thence leaving the Sheppard Legacy, LLC and with the Bayrock Ringling Exchange, LLC property as described in deed. 5468, page. 635 and shown as lot 1-B of plat book 160, page 141 and the north line of said Lot 14, S 88° 04' 55" E 183.14' to an iron pipe found a common corner of said Lots 13 and 14; thence with the north line of said Lot 13, S 88° 04' 55" E 250.14' to an iron pipe found, the common corner of Lots 12 and 13; thence leaving the line of Bayrock Ringling Exchange, LLC and with the common line of said Lots 12 and 13, S 0° 00' 00" E 200.11' to an iron pipe found the common corner of said Lots 12 and 13in the northern margin of the aforesaid right of way of Brian Boulevard; thence with said right of way and the southern line of said Lot 13, N 88° 04' 55" W 250.14' to the point and place of Beginning.
Containing 2.00 Acres and being the property of Butel Two, LLC described in deed book 5392, page 1949, and being the property designated by the Buncombe County GIS Department by Parcel Identification Number (PIN) 9646853550
The Bearings of the foregoing description are oriented to the North Carolina Grid System reference NAD 27,the distances are horizontal ground lengths expressed in US Survey feet, the coordinates are also expressed in US Survey feet, the combined scale factor to obtain North Carolina Grid distances is 0.99987802.

ORDINANCE NO. 4793

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Fiscal Year 2019-20 Budget Ordinance be amended to budget $5.0 million in 2016 General Obligation (G.O.) Bond funding in the City's Housing Trust Fund as follows:

HOUSING TRUST FUND

Revenues:

Operating Transfer from Gen. Capital Projects Fund	$5,000,000
Total Revenues	$5,000,000

Appropriations:

Awarded Loans - Bonds	$5,000,000
Total Appropriations	$5,000,000

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 10th day of March, 2020.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

46

ORDINANCE NO. 4794

ORDINANCE AMENDING CONDITIONAL ZONING (ORDINANCE NO. 4602) FOR PROPERTY(S) LOCATED AT ROBERTS STREET, CLINGMAN AVENUE EXTENSION AND PARK AVENUE (NORTH)

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, the property owner has requested a change to the project conditions (Exhibit B-1) as approved under Ordinance No. 4602 regarding the affordability of residential units; and

WHEREAS, this proposed amendment is consistent with the *Living Asheville - A Comprehensive Plan for our Future* and is determined to be reasonable, and in the public interest for the following reasons:

a) The amendment does not substantially deviate from the project details previously approved other than the change to affordability;
b) The project still includes dedicated affordable residential units-at least 10% of the residential units shall be affordable to households at 80% AMI for a period of 10 years; and,
c) The project is compatible with the surrounding area and future land use map.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

The zoning classification of that certain real property described in Exhibit A and identified on Buncombe County tax maps as PINs 9648072183 and 9648061956, and, recorded in Deed Book 5546, Page 1921 and currently owned by 146 Roberts LLC from Urban Place Conditional Zone (CZ) to Urban Place Conditional Zone (UP CZ). A copy of the official zoning

map showing said lots is attached hereto as Exhibit "A.1" and made a part hereof. Said rezoning is subject to the conditions set out in Exhibit "B.1", and substantially compliant with the site plan(s) as shown on Exhibit C attached hereto and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. The ordinances shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 5. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 10th day of March, 2020; second reading March 24, 2020.

Magdalen Burleson
City Clerk

Esther G. Manheimer
Mayor

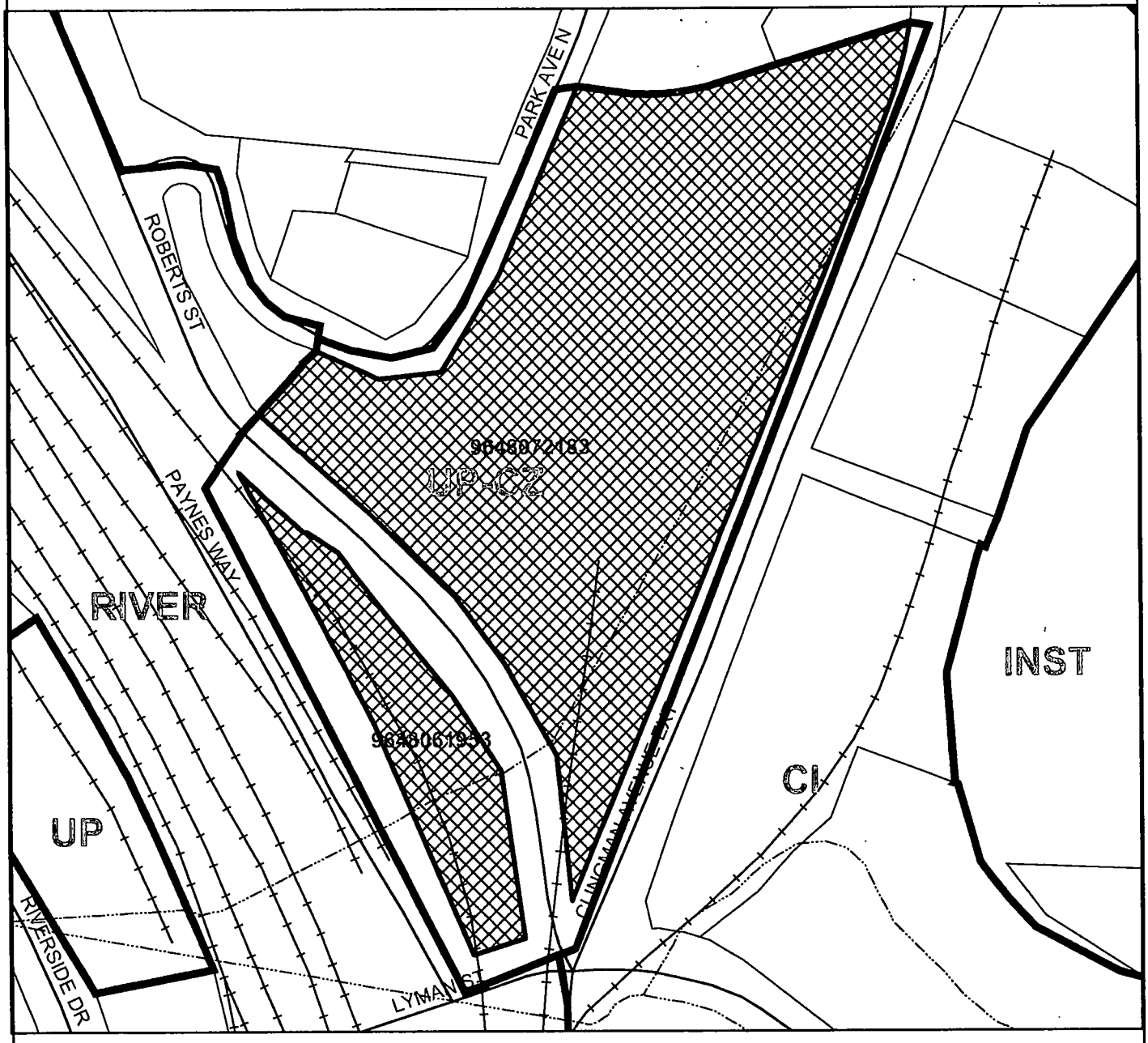
Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

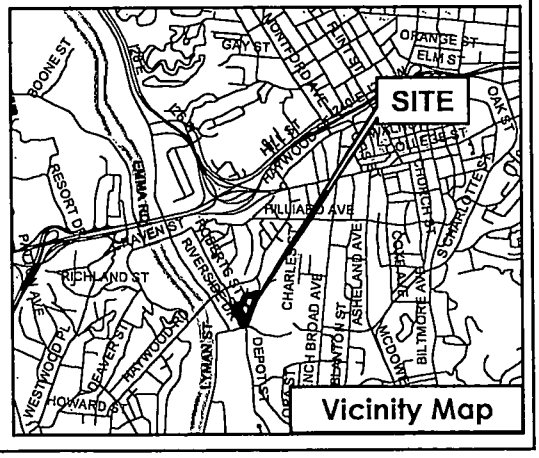
48.

City of Asheville - Exhibit A Map
Conditional Zoning Amendment - RAD Lofts



Project Name: RAD Lofts Amendment
Project Number: 13 - 03995 PZ
Project Description: UP CZ Amendment
Petitioner(s): Matt Sprouse
Parcel ID Number(s): 9648-07-2183 & 9648-06-1953
Location/Address: 146 Roberts Street

Project Site
Zoning Districts
Parcels
Streets
Asheville City Limits
River Areas



City of Asheville Planning and Urban Design Department - November 2016

EXHIBIT B-1

CONDITIONS
RAD LOFTS AMENDMENT 2019

1. Approval is for conditional zoning to UP-CZ (Urban Place District) for the construction and use of the property for a mixed-use development as described herein. This is an amendment to a previously approved project (ordinance no. 4241, dated October 22, 2013, ordinance no. 4414, dated May 26, 2015, ordinance no. 4548, dated January 10, 2017 and ordinance no. 4602, dated July 25, 2017).
2. The project site consists of two separate parcels with a combined area of approximately 3.26 acres and frontage on Roberts Street, Clingman Avenue Extension and Park Avenue (north) in the River Arts District. The main parcel for development is 2.88 acres in size and the second parcel (0.379 acres) is located across Roberts Street to the south.
3. The current proposal contains a total of 235 residential units but the development is approved at a range of between 230 and 245 units; and retail space is approved for a range of between 14,000 and 20,000 square along Roberts Street.
4. There will be two levels of parking and four to six levels of retail and residential spaces but with the existing grade change on site, the overall height varies. The building height is 50 feet on Clingman and 68 feet from Roberts Street. No building shall exceed 80 feet in height.
5. There will be two driveways, one on each frontage, into the structured parking, which shall contain 358 spaces. There will be a 20-space surface parking lot across Roberts Street and approximately 8 on-street parking spaces will be created through streetscape improvements. The project is approved for a range of between 360 and 400 parking spaces throughout the development site.
6. Landscaping is required on the site and must include street trees along all road frontages, building impact plantings, parking deck and dumpster screening and parking lot landscaping with a street buffer. Open space is also required in this zoning district, equal to 5% of the lot area. Retaining walls are subject to screening requirements.
7. The residential density is approved at a range of between 70 and 75 units per acre.
8. At least ten percent of the units shall meet the City's standards for affordability at 80% Area Median Income or AMI (60.1 - 80% AMI) for a period of ten years from the issuance of the Certificate of Occupancy (CO). The rent and income shall follow the Affordable and Workforce Housing Standards determined annually by the City of Asheville Community Development Department. An Affordable Housing Deed Restriction will be provided by the City and filed and recorded by the applicant/property owner in the Buncombe County Register of Deeds prior to obtaining final CO.
9. Housing choice vouchers shall be accepted for the designated affordable units.
10. The footprint of the building is approved at a range of between 75,000 square feet and 90,000 square feet and the gross floor area not to exceed 430,000 square feet.
11. Sidewalks must be at least 6.5' along the surface parking lot on Roberts Street and between 7.5' -12' along Clingman Avenue. There is an existing 5' sidewalk along Park Avenue and the sidewalk along the building side of Roberts Street will be a minimum of 10'. These conditions allow reductions from the 10' minimum width in the UP district.
12. Roberts Street and between 7.5' -12' along Clingman Avenue. There is an existing 5' sidewalk along Park Avenue and the sidewalk along the building side of Roberts Street will be a minimum of 10'. These conditions allow reductions from the 10' minimum width in the UP district.
13. As the site plan indicates, the parking deck landscaping is reduced to 4 trees based on the existing site conditions where a grade change effectively shields the exposed deck levels and creates challenges to planting.
14. The setback in one location along Roberts Street is greater than the UP district maximum of 15' and shall be as indicated on the site plan.
15. The distance between entrances is as shown on the site plan on both Roberts Street (up to 85' between entrances) and Clingman Avenue Extension (up to 153' between entrances).

16. The site plan shows greater spacing for windows and less ground-level fenestration on Clingman Avenue Extension (down to 22% fenestration at the ground-level). An active pedestrian feel will be created along this corridor by the inclusion of street furniture, public art attached to the building, interpretive signage regarding the history of the area and creative screening on the parking deck openings.
17. Retaining wall on the north end of the project, which is 25 feet in height and has no room for foreground landscaping, will be screened with an aesthetic treatment TBD.
18. The building design, site design, construction materials, and orientation on site must substantially comply with the site plan attached hereto as Exhibit C and incorporated herein by reference and the final approved site plan that is incorporated into the zoning permit. Staff has the ability to approve changes that relate to and are within the range of the development approval thresholds without further review by the approving boards. Other major deviations from these plans outside of the approval thresholds will require reconsideration of the project by the reviewing boards.
19. All legally required local, state, and federal permits and approvals must be obtained prior to initiation of construction and any pertinent legal requirements shall be met.

51

Exhibit C

COMPLIANCE NOTES

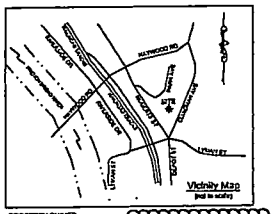
1. ALL DRIVEWAY AND ENTRANCE CONNECTIONS ARE SUBJECT TO LOCAL AGENCY APPROVALS. ALL SIDEWALKS SHALL PROVIDE ADEQUATE HANDICAP ACCESSIBILITY AT CROSSWALKS.

2. ANY PLANT MATERIAL TO BE INSTALLED IN THE R.O.W. SHALL BE APPROVED BY THE CITY OF ASHEVILLE ARBORIST. PLANT SPECIES AND FULL PLANTING PLAN SHALL BE SUBMITTED AT FINAL TRC. PLANT MATERIAL SHALL BE SELECTED FROM CITY OF ASHEVILLE RECOMMENDED SPECIES LIST.

3. ALL PAVEMENT STRIPING SHALL BE THERMOPLASTIC MEETING ASHEVILLE STANDARDS.

4. LANDSCAPE CONTRACTOR MUST COORDINATE THE LOCATION OF THE TREES TO AVOID EXISTING AND PROPOSED SEWER LINES, SEWER/UDE EASEMENTS AND WATER LINES. NO TREES ARE ALLOWED TO BE PLANTED IN SUCH EASEMENTS OR OVER UTILITIES.

PARKING REQUIREMENTS (City of Asheville)			
MINIMUM			
RETAIL	1 SPACE/ 250 SF MIN.	18,204	48 SPACES
RESIDENTIAL	1 SPACE/UNIT MIN.	231 UNITS	231 SPACES
			231 MIN. SPACES REQUIRED
MAXIMUM			
RETAIL	1 SPACE/ 300 SF MAX.	18,204	61 SPACES
RESIDENTIAL	0.5 SPACE/UNIT MAX.	470 UNITS	470 SPACES
			653 MAX. SPACES REQUIRED
PARKING PROPOSED			
PARKING GARAGE			338 SPACES
SURFACE LOT ON ROBERTS STREET			20 SPACES
S ON STREET- ROBERTS STREET			5 SPACES
PROPOSED PARKING TOTAL			358 SPACES



PROPERTY OWNER
R-10 Lots LLC
600-B Fairmont Rd
Suite 130
Asheville NC 28803

DEVELOPER
RAD Lofts LLC
600-B Fairmont Rd
Suite 130
Asheville, NC 28803
828-258-7901

CONTACT
MATT SPRUGLE, PLA
SITEWORK STUDIOS, P.L.L.C
322 DEPOT STREET, SUITE 100
ASHEVILLE, NC 28801
(828) 273-4943

PROJECT ADDRESS:
PIN: 9642-92-3133 (SPACE), 9642-92-0125 (UP-CZ)
ACREAGE OF DEVELOPMENT: 3.34 AC.
148 ROBERTS STREET
ASHEVILLE, NORTH CAROLINA 28801

ZONING
CURRENT: UP-CZ
PROPOSED: UP-CZ

SETBACKS:
FRONT: 0'
CORNER LOT SIDE STREET: 0'
SIDE: 0'
REAR: 0'

BUILDING INFORMATION:
BUILDING GROSS FLOOR AREA: 312,394 SF
RETAIL: 18,204 SF
RESIDENTIAL: 294,190 SF
2 LEVELS OF PARKING WITH 4 FLOORS OF RESIDENCES ALOFT.

RESIDENTIAL UNITS
1 Br - 1 BR UNITS
2 Br - 2 BEDROOM UNITS
231 TOTAL UNITS

BUILDING HEIGHT:
DOWNTOWN: 85' 10'
ROBERTS STREET: 55'

SITE CALCULATIONS
TOTAL SITE AREA: 3.34 AC (145,530 SF)
TOTAL IMPERVIOUS AREA ALLOWED: 75% (109 AC - 79,295 SF)
TOTAL IMPERVIOUS AREA PROPOSED: 51% (2.83 AC - 123,120 SF)
TOTAL ORIGINAL: 1.12 ACRES (49,000 SF)

OPEN SPACE
TOTAL SITE AREA: 3.34 AC (145,530 SF)
TOTAL OPEN SPACE REQUIRED: 15% (0.50 AC - 21,830 SF)
TOTAL OPEN SPACE PROVIDED: 27% (0.91 AC - 39,235 SF)

PARKING SPACE & PARKING LOT: 4 TYPES, 4 REQ'D (2.5x5)
Sm. COMPACT: 5 SPACES
Sm. STANDARD: 5 SPACES
STANDARD: 5 SPACES
HANDICAPPED: 2 SPACES
TOTAL PARKING: 17 SPACES

PARKING SPACE & PARK. LOT: 4 TYPES, 4 REQ'D (2.5x5)
Sm. COMPACT: 5 SPACES
Sm. STANDARD: 5 SPACES
STANDARD: 5 SPACES
HANDICAPPED: 2 SPACES
TOTAL PARKING: 17 SPACES

TRUCK LOADING: 1 SPACE (12x35)
TRUCK LOADING: 1 SPACE (12x35)

TRANSITION TO EXISTING ROBERTS ST SIDEWALKS AND PARKING TO BE COORDINATED WITH CITY OF ASHEVILLE

RIGHT-OF-WAY FOR ADJACENT PROPERTY OWNER

NEW 4' SIDEWALK

PROPOSED TRANSFORMER LOCATION

SIDEWALK WIDTHS VARY ALONG ROBERTS ST.

PROPOSED ON-STREET DISABLED PARKING SPACES (ONE PER BLOCK).

EXISTING GRANITE CURB TO REMAIN. REPLACE, REMOVE & RESET AS NECESSARY

CONCRETE RETAINING WALL MAX. HEIGHT 25' -SEE STRUCTURAL

DUMPSTER AND ENCLOSURE

HYDRANT

RETAINING WALL MAX HEIGHT 25' SEE STRUCTURAL

ACCESS TO PUBLIC PARKING

OPEN SPACE 16,235 SF

PROPOSED STORM DRAINAGE

PARKING LOT TO REMAIN GRAVEL

ANGLED PARKING (TYP.).

LIMITS OF RADTIP PROJECT.

10'x50' SIGHT TRIANGLE TYP.

TROLLEY PULL-OUT AREA

LOADING ZONE

ROBERTS STREET 40' RIGHT OF WAY (PUBLIC)

BICYCLE PARKING (5)

PROPOSED TRANSFORMER LOCATION

BICYCLE PARKING (12)

OPEN SPACE 2,850 SF

OPEN SPACE 7,782 SF

RETAINING WALL MAX. HEIGHT 8 FT. -SEE STRUCTURAL

NEW 10' MIN. SIDEWALK

STREET LIGHTING, SEE SHEET L-700 DUKE LIGHTING PLAN

BICYCLE PARKING (5)

ACCESS TO RESIDENT PARKING

10'x50' SIGHT TRIANGLE TYP.

CLINGMAN AVENUE EXT. 47' RIGHT-OF-WAY (PUBLIC - PAVED WIDTH VARIES)

EXISTING FIRE HYDRANT

SIDEWALK WIDTHS VARY SEE DIMENSIONING

ROUNDABOUT DRAWINGS OBTAINED FROM CITY OF ASHEVILLE RADTIP PROJECT

FIRE HYDRANT FROM PROPERTY CORNER

EXISTING GRANITE CURB TO REMAIN. REPLACE, REMOVE & RESET AS NECESSARY WHERE NO GRANITE CURB EXISTS. MATCH WITH NEW FROM CITY OF ASHEVILLE STOCKPILE

0 10' 20' 40' 60' 80'

ROWHOUSE

one north pack square
asheville, north carolina
28801

T1 828.251.1244
T2 828.713.4343

sitework STUDIOS

RAD LOFTS

ROBERTS ST and CLINGMAN AVE. EXTENSION
Asheville, NC 28801

NORTH CAROLINA
REGISTERED LANDSCAPE ARCHITECT

No.	Description	Date
A	[illegible]	12.20.16
B	[illegible]	2.6.2017
C	90% CDs	3.20.17
D	100% CDs	3.24.17

Indicate Revision Dates

Key Plan

Submittal Date

Sheet Title
MASTER PLAN

L-200

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BUILDING IMPACT LANDSCAPE REQUIREMENTS (BI)

PLANTINGS REQUIRED AT 1 TREE / 1 SHRUBS PER 1,000 SF
TOTAL BUILDING SQUARE FOOTAGE = 41,131 SF
PLANTINGS REQUIRED = 42 TREES / 123 SHRUBS
PLANTINGS PROVIDED = 48 TREES / 134 SHRUBS

*EXISTING TREES ON SITE TO COUNT TOWARDS REQUIREMENTS OF ACCEPTED BUILDING IMPACT TREES.

PARKING LOT LANDSCAPE REQUIREMENTS (PL)

PLANTINGS REQUIRED AT 1 TREE / 10 SHRUBS PER 1,000 SF
TOTAL SQUARE FOOTAGE OF VEHICULAR USE AREAS = 2,888 SF
PLANTINGS REQUIRED = 3 TREES / 29 SHRUBS
PLANTINGS PROVIDED = 6 TREES / 31 SHRUBS

STREET TREE LANDSCAPE REQUIREMENTS (ST)

TOTAL LINEAR FOOTAGE OF PUBLIC RIGHT OF WAY = 1,853 LF
ROAD #1 = 1,, 800 (less curb cuts) / 30 LF = 59 TREES
PORCHES 25, 400 (less curb cuts) / 30 LF = 13 TREES
CLINGMAN AVE = 853 LF / 30 = 28 TREES
PARK AVE, 300 LF (EXISTING TREES TO COUNT TOWARDS REQUIREMENTS) = 0 TREES

TREES REQUIRED AT 1 TREE PER 30 LINEAR FEET OF R/W
NUMBER OF TREES REQUIRED = 97
NUMBER OF TREES PROVIDED = 31

BUFFERYARD REQUIREMENTS (B)

NO BUFFERYARD ARE REQUIRED FOR THIS PROJECT.

STREET BUFFER LANDSCAPE REQUIREMENTS (SB)

PLANTINGS REQUIRED AT 1 SHRUB / 5 LF OF PARKING
EQUAL LF OF PARKING = 128 LF
PLANTINGS REQUIRED = 26 SHRUBS
PLANTINGS PROVIDED = 26 SHRUBS

*PARKING DECK SCREENING (PB)

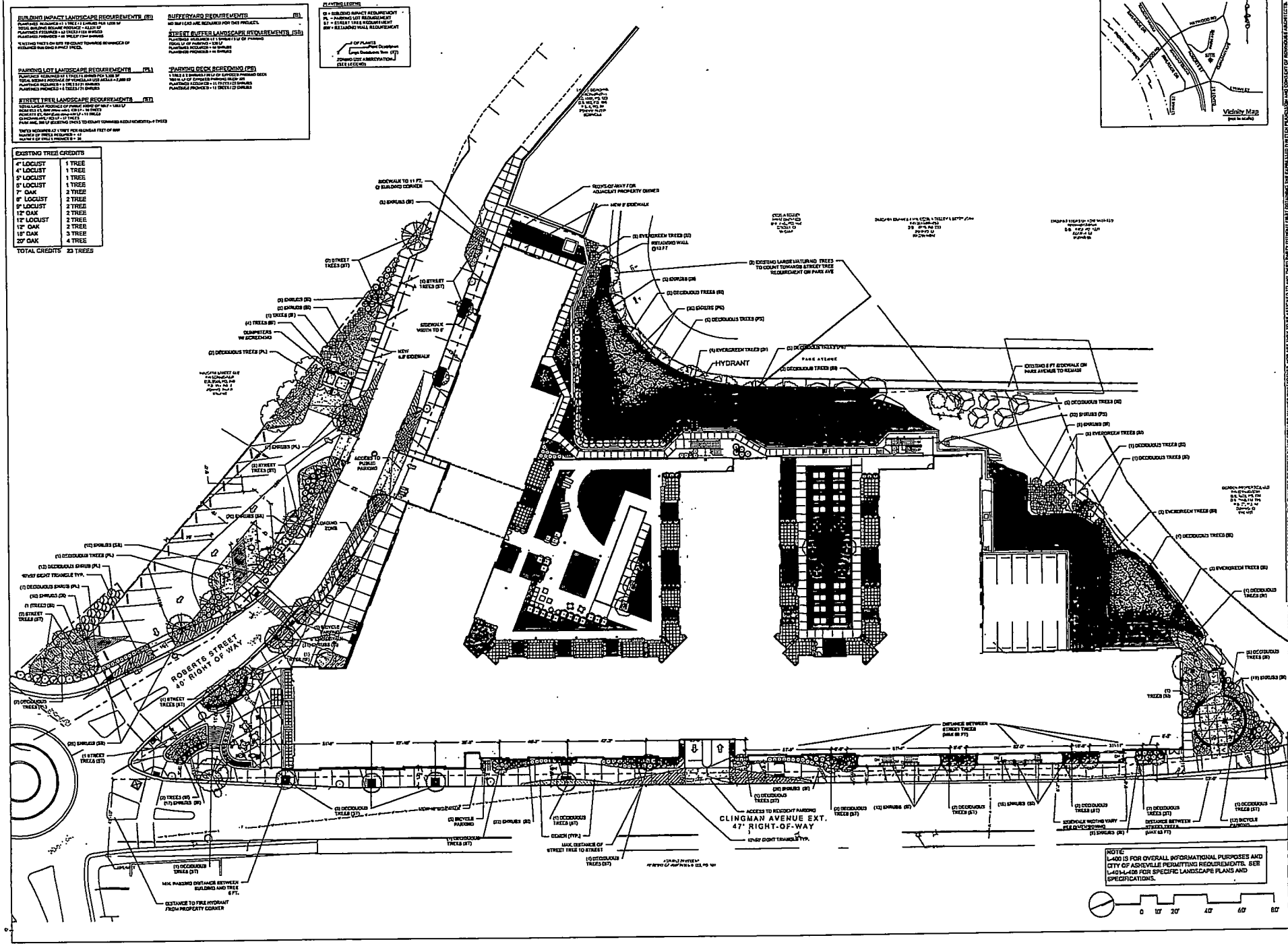
1 TREE / 5 SHRUBS / 20 LF OF EXPOSED PARKING DECK
160 ft LF OF EXPOSED PARKING DECK = 320
PLANTINGS REQUIRED = 11 TREES / 53 SHRUBS
PLANTINGS PROVIDED = 11 TREES / 53 SHRUBS

EXISTING TREE CREDITS	
4" LOCUST	1 TREE
4" LOCUST	1 TREE
5" LOCUST	1 TREE
5" LOCUST	1 TREE
7" OAK	2 TREE
8" LOCUST	2 TREE
9" LOCUST	2 TREE
12" OAK	2 TREE
12" LOCUST	2 TREE
12" OAK	2 TREE
18" OAK	3 TREE
20" OAK	4 TREE
TOTAL CREDITS	23 TREES

PLANTING LEGEND

CI = BUILDING IMPACT REQUIREMENT
PL = PARKING LOT REQUIREMENT
ST = STREET TREE REQUIREMENT
BW = RETAINING WALL REQUIREMENT

OF PLANTS
Plant Description
Large Deciduous Tree (ST)
ZONING USE ABBREVIATION
(SEE LEGEND)



ROWHOUSE

sitework STUDIOS

RAD LOFTS

ROBERTS ST and CLINGMAN AVE. EXTENSION
Asheville, NC 28801

Revisions / Remarks Dates		
No.	Description	Date
A	REVISE PLANS	12.23.13
A	SUBMIT REVISIONS	12.30.13
B	REVISE PLANS	3.20.14
B	ISSUE CDs	3.25.14

Key Plan

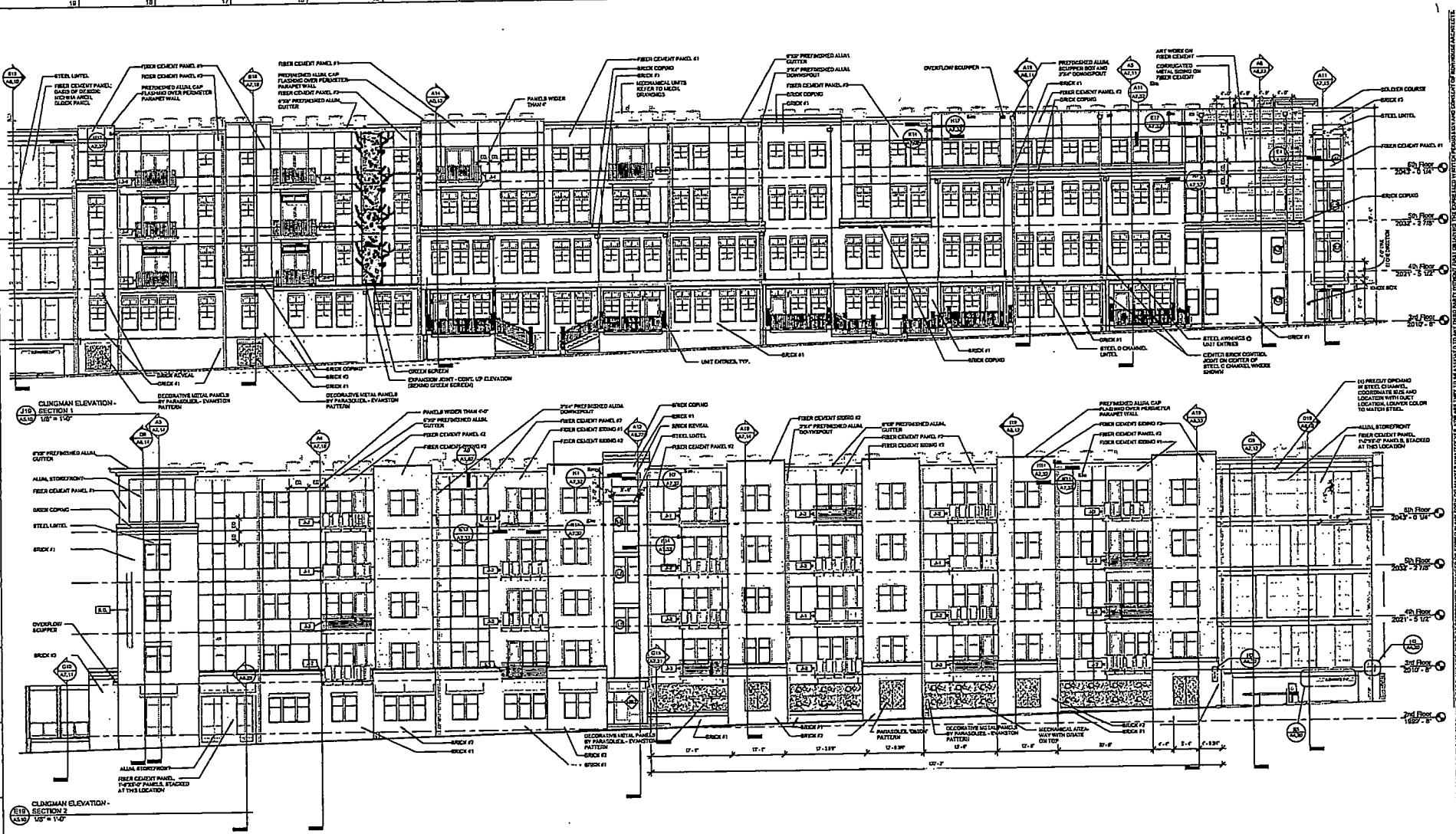
Submittal Date

Sheet Title
OVERALL LANDSCAPE PLAN

L-400

58

53



1. SEE WALL SECTIONS & ENLARGED ELEVATIONS FOR GUARDRAIL HEIGHTS. ALL BALCONIES OR WALKWAYS ELEVATED MORE THAN 30" IN VERTICAL RISE TO HAVE MINIMUM 2'-0" (TOP) GUARDRAILS AS PER THE BUILDING CODE.
2. PROVIDE VERTICAL EXPANSION JOINTS IN BRICK VENEER PER BIA STANDARDS. PROVIDE HORIZONTAL SUPPORTS PER STRUCTURAL DRAWINGS AND BIA STANDARDS WHERE EXCEEDS 30' IN HEIGHT.
3. TIE IN ALL DOWNSPOUTS TO STORM DRAINS.
4. ALL DRYER & BATH VENTS TO MATCH ADJACENT COLOR
5. ALL FIBER CEMENT TRIM SIZE THICKNESS, NUMBERS ON TRIM REPRESENT WIDTHS.
6. REFER TO SPECIFICATIONS FOR ALL EXTERIOR MATERIALS. THE WALL SECTIONS AND DETAILS SHOWN IN THIS SET REFLECT FIBER CEMENT PANEL FIGURE WITH 5M TRIM. ALL MATERIAL WIDTHS TO REMAIN SAME SIZE IF ANY PRODUCT SUBSTITUTION IS MADE. CONTACT ARCHITECT IF THERE ARE ANY DISCREPANCIES IN DETAILS DUE TO PRODUCT SUBSTITUTIONS.
7. REFER TO BUILDING PLAN FOR MASONRY LOCATIONS, INCLUDING THOSE NOT SHOWN IN THESE ELEVATIONS.
8. SEE ROOF PLAN FOR OVERHANG DIAGRAM DESIGNS.
9. APPLY AN ADDITIONAL 1/2" LAYER OF MOISTURE BARRIER AT INSIDE/OUTSIDE CORNERS FULL HEIGHT OF WALL (TYP.)
10. PROVIDE CONT. BUILDING WRAP OVER SHEATHING - TYVEK "COMMERCIAL WRAP" TO BE BASIS OF DESIGNER SPECIFICATIONS.
11. INSTALL BUILDING WRAP CONTINUOUS AT ALL WALL SURFACES PRIOR TO EXTERIOR FINISH INSTALLATION.
12. TERMIPLASH BUILDING WRAP AT PENETRATIONS DETAILS & MANF. RECOMMENDATIONS.
13. PROVIDE PRE-FAB. FLASHING BOOTS OR FLANGED EXHAUST LOUVER AT DUCT PENETRATIONS AT WALLS (TYP.)
14. PROVIDE SEALANT AT VERTICAL TRANSITIONS BETWEEN WALL FINISHES.
15. PROVIDE METAL FLASHING AT HORIZONTAL TRANSITIONS BETWEEN WALL FINISHES.
16. COORDINATE LOUVER LOCATION TO AVOID CONFLICT WITH BRICK SOLDIER COURSE AND 3M TRIM AT WINDOW HEAD CONDITIONS.

ROWHOUSE

one north park square
asheville, north carolina
28801

T1 828.281.2344
T2 828.231.1931

RAD LOFTS

THE RIVER ARTS DISTRICT
Asheville, NC 28801

ROWHOUSE ARCHITECTS PC
52659
ASHEVILLE, N.C.

ROBIN R. FAINES
No. 10084
5.19.17
ASHEVILLE, N.C.

Release / Revision Dates

No.	Description	Date
A	SCHEM. DESIGN	12.23.16
B	DESIGN DEV.	2.8.17
C	90% CDS	3.30.17
D	CONSTRUCTION DOCUMENTS	5.19.17

Key Plan

Submittal Date
5.19.17

Sheet Title
ELEVATIONS

A5.10

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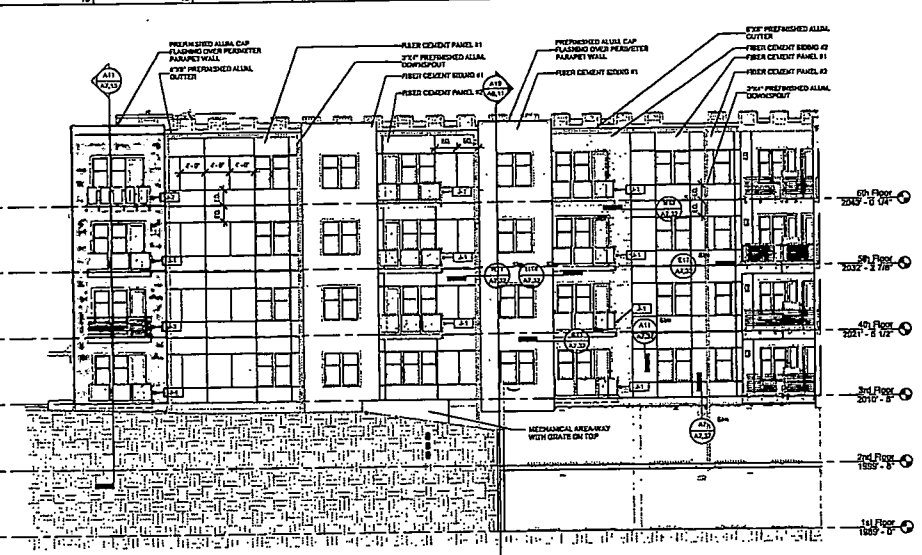
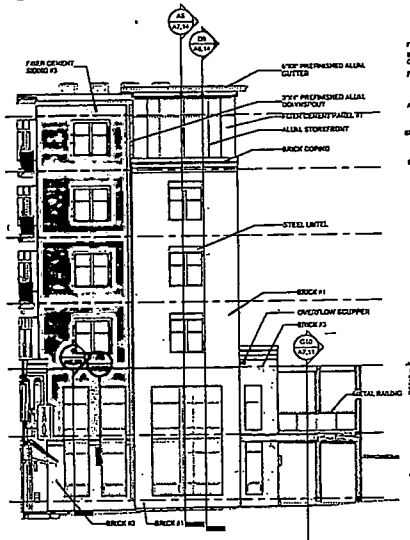
[redacted] [redacted] [redacted]

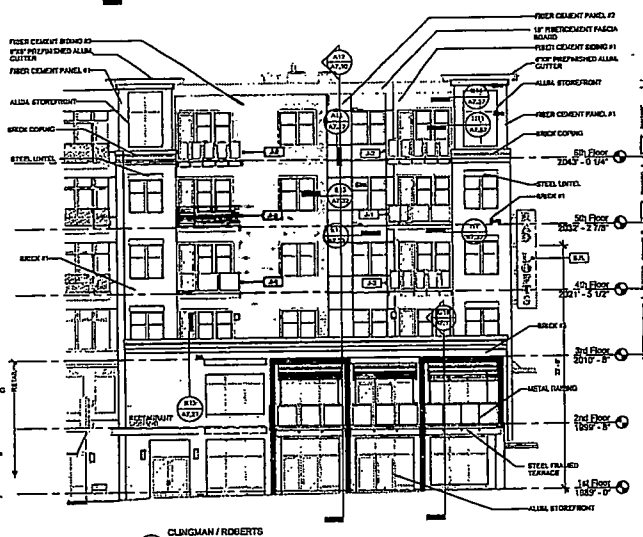


WEST ELEVATION (NORTHERN SECTION) 1/8" = 1'-0"

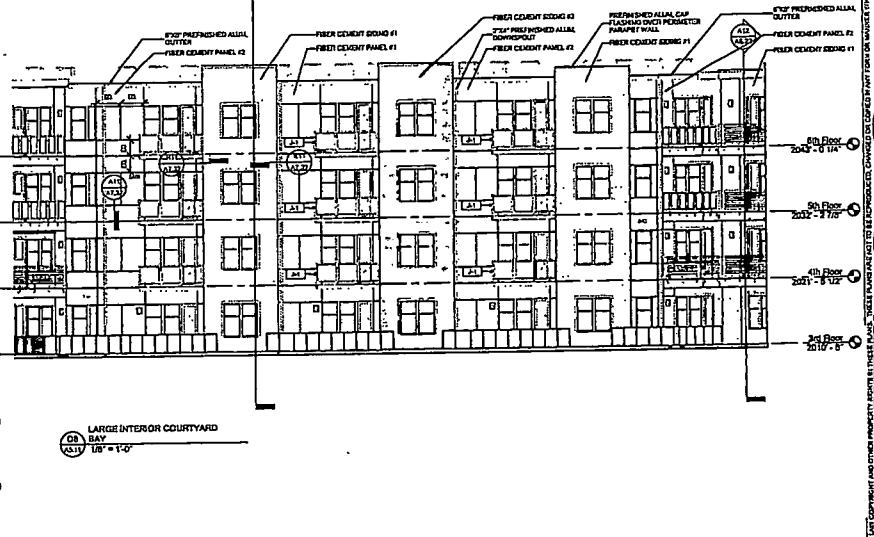
NORTH WING - NORTH ELEVATION 1/8" = 1'-0"



RETAIL CORNER ELEVATION 1/8" = 1'-0"



CLINGMAN / ROBERTS INTERSECTION 1/8" = 1'-0"



LARGE INTERIOR COURTYARD BAY 1/8" = 1'-0"

1. SEE WALL SECTIONS & ENLARGED ELEVATIONS FOR CLEARANCE HEIGHTS. ALL BALCONIES OR WALKWAYS ELEVATED MORE THAN 30" IN VERTICAL RISE TO HAVE MINIMUM 3'-6" HIGH GUARDRAILS AS PER THE BUILDING CODE.
2. PROVIDE VERTICAL EXPANSION JOINTS IN BRICK VENEER PER BIA STANDARDS. PROVIDE HORIZONTAL SUPPORTS PER STRUCTURAL DRAWINGS AND BIA STANDARDS WHERE EXCEEDS 20 IN HEIGHT.
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RAD LOFTS

THE RIVER ARTS DISTRICT
Asheville, NC 28801

ROWHOUSE ARCHITECTS PC
PROFESSIONAL CORPORATION
52659
ASHEVILLE, NC

ROBIN R. RAINES
REGISTERED ARCHITECT
NO. 10084
3.15.17
ASHEVILLE, NC

Release / Revision Dates

No.	Description	Date
A	SCHEMATIC DESIGN	12.23.16
B	DESIGN DEV.	1.6.17
C	90% CDS	3.20.17
D	CONSTRUCTION DOCUMENTS	3.15.17

Key Plan

Submittal Date
5.19.17

Sheet Title
ELEVATIONS

A5.11

6/23/2017 4:23:11 PM

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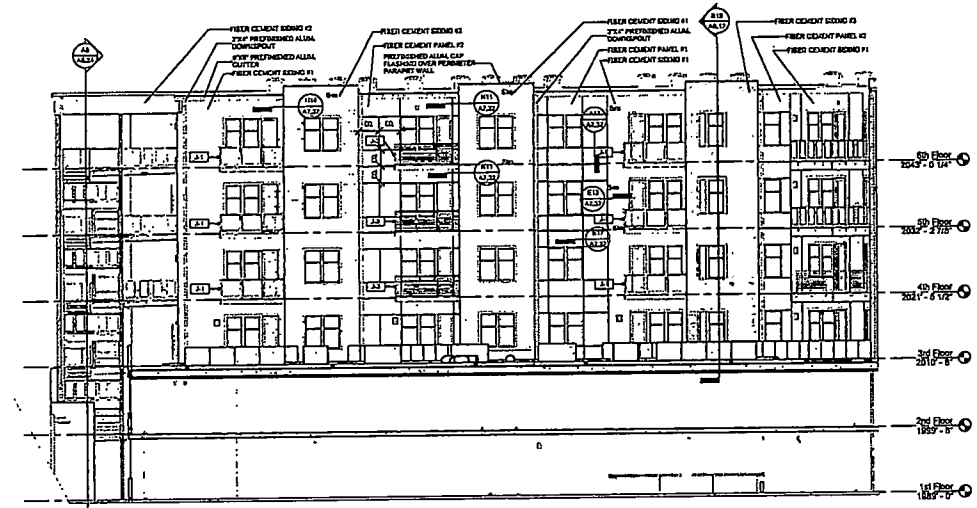
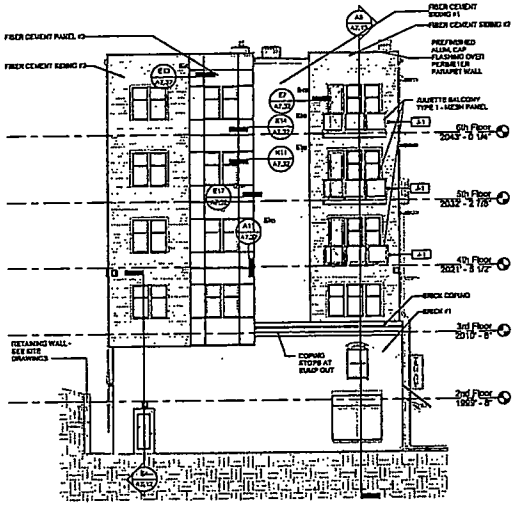
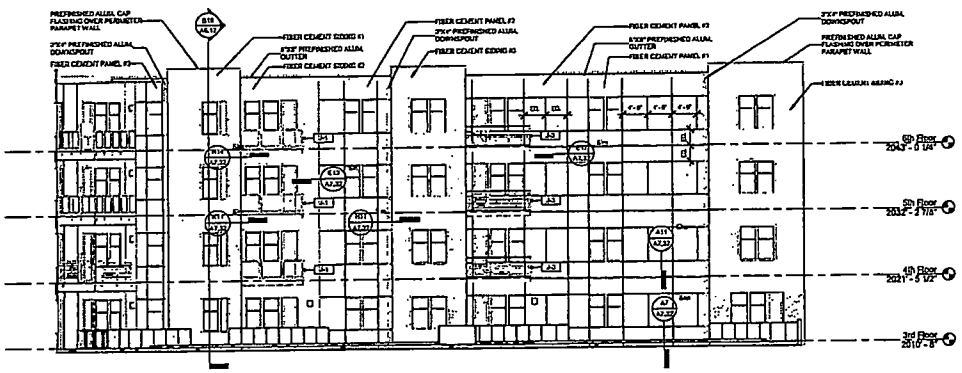


J10 NORTH WING - LEFT
A5.12 1/8" = 1'-0"

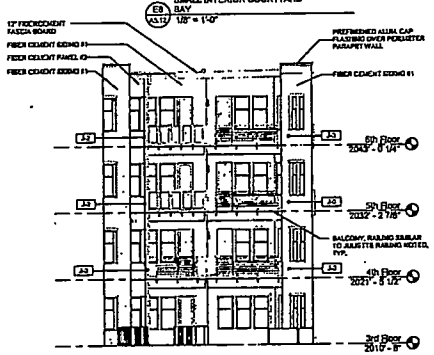


J8 NORTH ROBERTS ELEVATION
A5.12 1/8" = 1'-0"

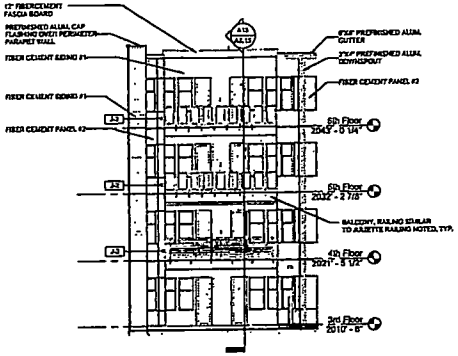


E10 CENTER WING - NORTH ELEVATION
A5.12 1/8" = 1'-0"

E9 SMALL INTERIOR COURTYARD BAY
A5.12 1/8" = 1'-0"



A8 INTERIOR COURTYARD CORNER #1
A5.12 1/8" = 1'-0"



A4 INTERIOR COURTYARD CORNER #2
A5.12 1/8" = 1'-0"

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ROWHOUSE

RAD LOFTS
THE RIVER ARTS DISTRICT
Asheville, NC 28801

ROWHOUSE ARCHITECTS ASHEVILLE, NC 32659

JOSHUA R. BAKER REGISTERED ARCHITECT NO. 10084 5.19.17 ASHEVILLE, N.C.

Revision / Revision Dates

No.	Description	Date
1	HOMES DESIGN	12.23.16
2	DEVELOP DEV.	2.8.17
3	50% SDS	3.20.17
4	CONSTRUCTION DOCUMENTS	3.24.17

Key Plan

Submittal Date 5.19.17

Sheet Title ELEVATIONS

A5.12

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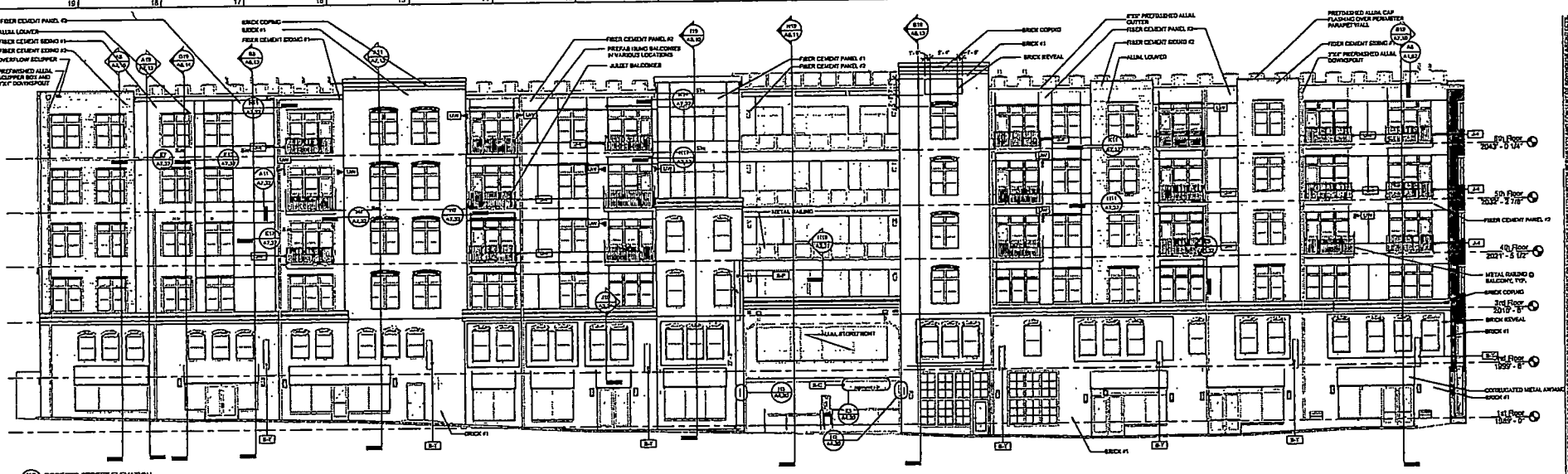

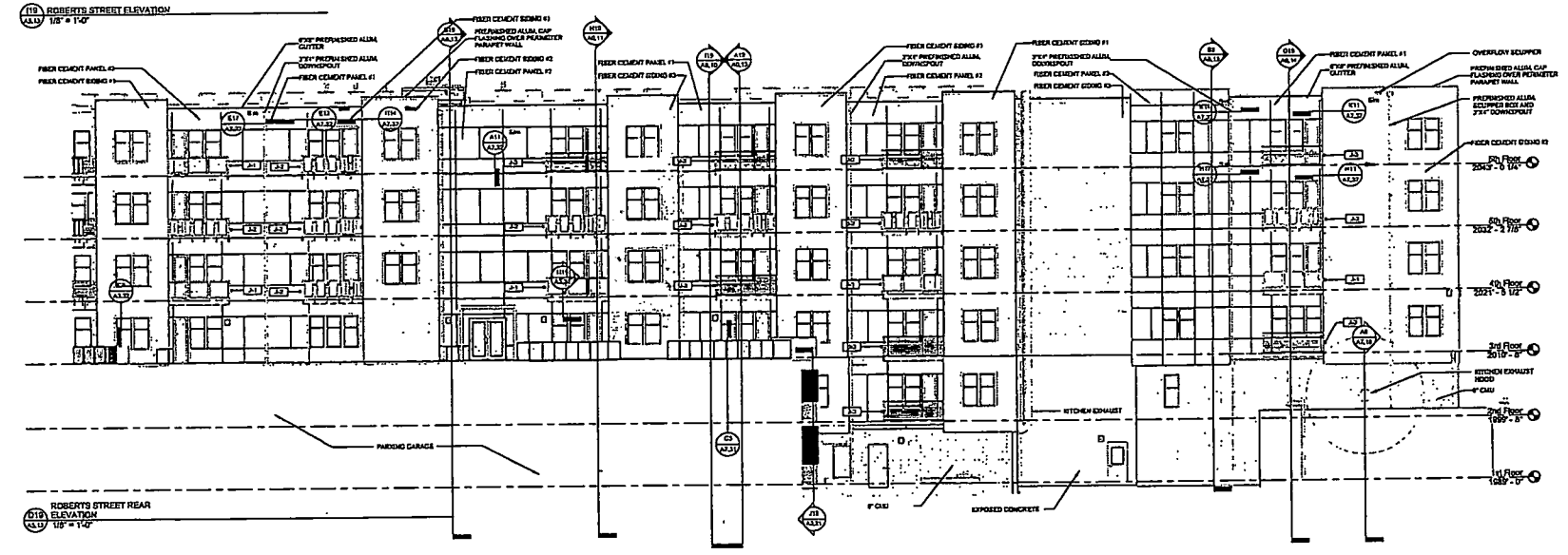

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Asheville, NC 28801

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52659
ASHEVILLE, N.C.

ROBIN R. RAINES
ARCHITECT
No. 10084
5.19.17
ASHEVILLE, N.C.

Release / Revision Date

No.	Description	Date
A	SCHEME DESIGN	10.27.16
B	DEVELOPMENT DEV.	2.6.17
C	90% CDS	3.24.17
D	CONSTRUCTION DOCUMENTS	5.19.17

Key Plan

Substantial Date

5.19.17

Sheet Title

ELEVATIONS

A5.13

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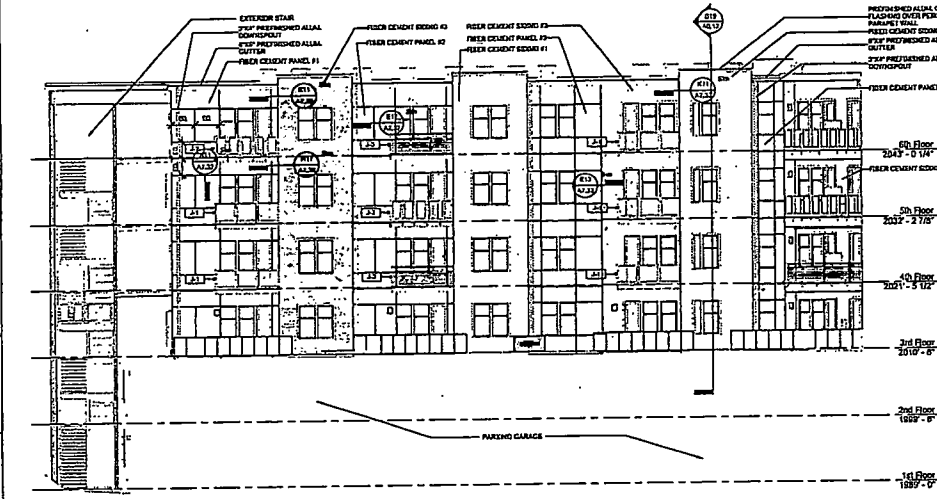
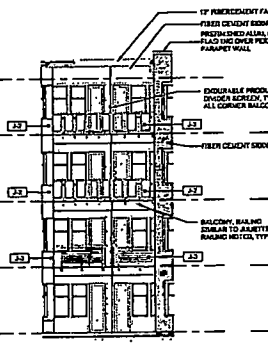
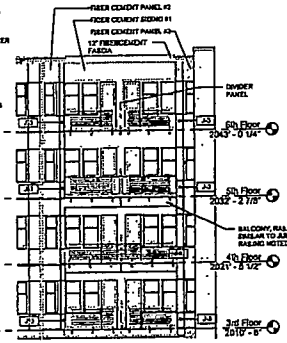


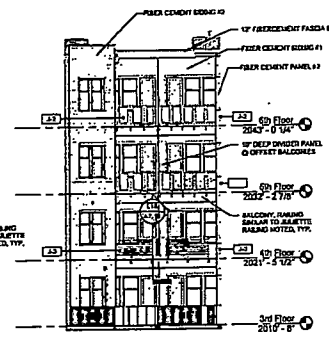
D19 A5.14 CENTER WING - SOUTH ELEVATION
1/8" = 1'-0"



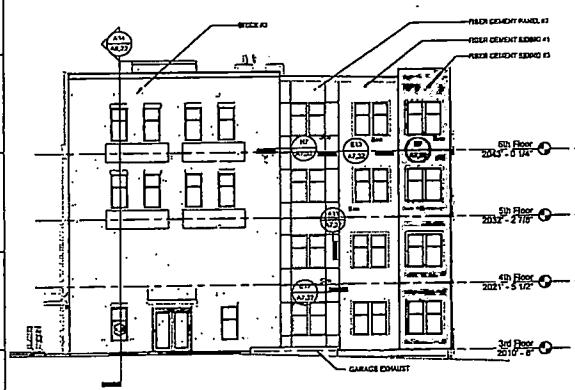
K10 A5.14 INTERIOR COURTYARD CORNER #4
1/8" = 1'-0"



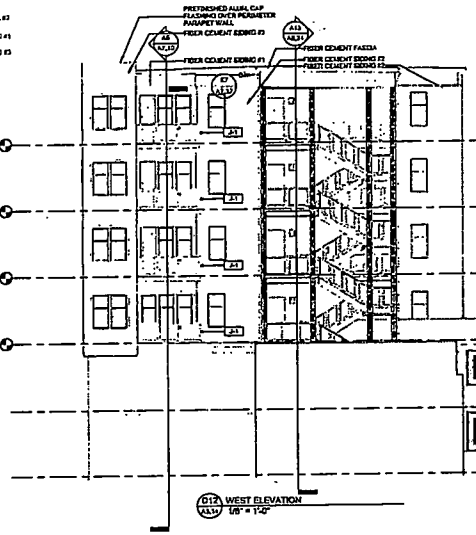
K7 A5.14 INTERIOR COURTYARD CORNER #5
1/8" = 1'-0"



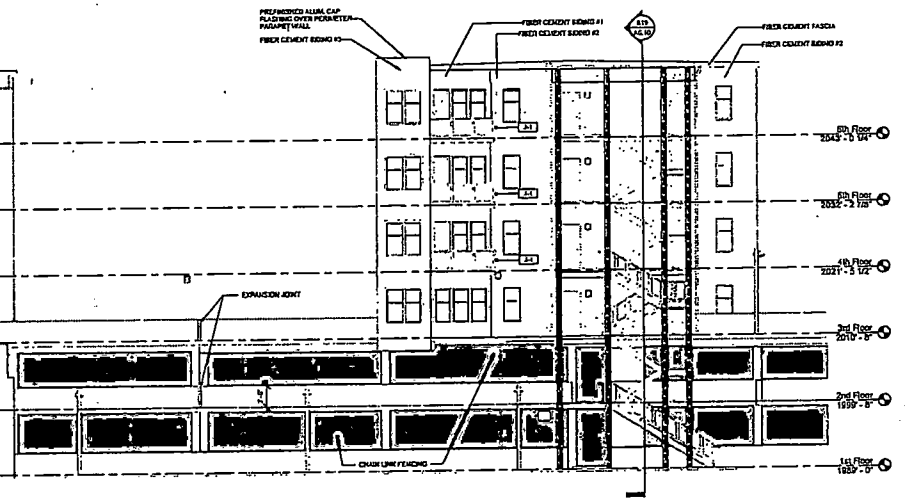
K4 A5.14 INTERIOR COURTYARD CORNER #3
1/8" = 1'-0"



D10 A5.14 NORTH ELEVATION
1/8" = 1'-0"



D12 A5.14 WEST ELEVATION
1/8" = 1'-0"



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Asheville, NC 28801

ROWHOUSE ARCHITECTS
52659
ASHEVILLE, NC

ROBIN R. RAINES
No. 10084
5.19.17
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Revision / Revision Dates

No.	Description	Date
A	SCHEM. DESIGN	12.23.16
B	DESIGN DEV.	2.8.17
C	DEV. CDS	3.30.17
D	CONSTRUCTION DOCUMENTS	5.19.17

Key Plan

Submittal Date
5.19.17

Sheet Title
ELEVATIONS

A5.14

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58

ORDINANCE NO. 4795

ORDINANCE DELEGATING TO THE MAYOR OF THE CITY OF ASHEVILLE THE AUTHORITY TO REGULATE BY PROCLAMATION ANY ACTIVITIES OR CONDITIONS THE CONTROL OF WHICH MAY BE REASONABLY NECESSARY TO MAINTAIN ORDER AND PROTECT LIVES OR PROPERTY DURING THE STATE OF EMERGENCY THAT HAS BEEN DECLARED IN RELATION TO THE SPREAD OF COVID-19

WHEREAS, N.C. Gen. Stat. § 166A-19.31(b) authorizes municipalities to adopt certain regulations in times of a declared state of emergency; and

WHEREAS, N.C. Gen. Stat. § 166A-19.31(a) allows a municipality to delegate its authority to issue regulations under a state of emergency to the municipality's mayor; and

WHEREAS, the City Council has previously delegated to the Mayor authority to issue by proclamation some, but not all of the types of regulations specified in N.C. Gen. Stat. § 166A-19.31(b); and

WHEREAS, the City Council finds that, given the need to be able to respond quickly to the threats posed by the novel corona virus known as COVID-19, it is desirable to allow the Mayor to issue all regulations needed to address the outbreak via proclamation;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. In addition to those powers previously delegated to the Mayor of the City of Asheville pursuant to Section 2-2 of the City's Code of Ordinances, the Asheville City Council hereby further delegates to the Mayor authority to regulate by proclamation any activities or conditions the control of which may be reasonably necessary to maintain order and protect lives or property during the state of emergency that has been declared in relation to the spread of COVID-19.

2. The City Council further acknowledges that, consistent with Section 10 of the City Charter, the Vice Mayor shall be authorized to exercise the powers delegated under this Ordinance, and under Section 2-2 of the City Code, in the absence of the Mayor.

Read, approved and adopted this 24th day of March, 2020.

Magdalen Bowleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

ORDINANCE NO. 4796

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Fiscal Year 2019-20 Budget Ordinance be amended to provide an appropriation of $465,000 from insurance recovery funds to be utilized towards other claims expenses as follows:

WORKERS COMPENSATION FUND

Revenues:

Insurance Recovery	$465,000.00

Appropriations:

Insurance - Claims	$465,000.00

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 14th day of April, 2020.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

60

ORDINANCE NO. 4797

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Fiscal Year 2019-20 Budget Ordinance be amended to provide an appropriation of $100,000 from donated funds to establish a project budget in the Special Revenue Fund for the City's contribution to Thrive Asheville as follows:

SPECIAL REVENUE FUND

Revenues:

Transfer from Housing Trust Fund	$100,000.00

Appropriations:

External Contribution	$100,000.00

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 14th day of April, 2020.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

ORDINANCE NO. 4798

AN ORDINANCE DESIGNATING PROPERTY KNOWN AS THE LEWIE MULLER GRIFFITH HOUSE, LOCATED AT 65 WOODLAND ROAD IN ASHEVILLE, NC AS A LOCAL HISTORIC LANDMARK

WHEREAS, pursuant to N. C. Gen. Stat. Secs. 160A-400.5 and 160A-400.6, and Chapter 8, sections 8-3 and 8-4 of the Code of Ordinances of the City of Asheville, the City has the authority for designation of a local historic landmark; and

WHEREAS, the Historic Resources Commission of Asheville and Buncombe County has caused to be made an investigation and report on the historic, architectural, and cultural significance of the above referenced structure and property proposed for landmark designation, and the North Carolina Department of Cultural Resources has been provided the opportunity to review and comment on the proposed designation; and

WHEREAS, the Lewie Muller Griffith House was built in 1926. It is a highly intact residential dwelling designed in the French Eclectic style by Ronald Greene. The Lewie Muller Griffith House has a period of significance of 1926, and is significant for its architecture, as well as for being the work of a master architect; and

WHEREAS, a public hearing on the designation of the Lewie Muller Griffith House as a local historic landmark was held by the Historic Resources Commission of Asheville and Buncombe County on February 12, 2020 and the Commission found that the property is deemed to be of special significance in terms of its historical, prehistorical, architectural, or cultural importance, and to possess integrity of design, setting, workmanship, materials, feeling and/or association as outlined in the designation report and is therefore,eligible for designation; and

WHEREAS, on March 24, 2020, the Asheville City Council held a public hearing on the designation of the the Lewie Muller Griffith as a local historic landmark, taking into full consideration all statements and information presented at the public hearing and the recommendation of the Historic Resources Commission of Asheville and Buncombe County made after its public hearing held on February 12, 2020; and

WHEREAS, all the prerequisites to the adoption of this ordinance prescribed in Part 3C, Article I9, Chapter I60A of the North Carolina General Statutes have been met;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. he property known as the **Lewie Muller Griffith House**, located at 65 Woodland Road in Asheville, North Carolina and more particularly described in **Exhibit A** attached hereto and incorporated herein, and owned by Doris-Marie C. Martin, is hereby designated as a local historic landmark pursuant to Part 3C of Article 19 of Chapter 160A of the North Carolina General Statutes and Chapter 8 of the Code of Ordinances of the City of Asheville, and is subject to the conditions and restrictions set forth therein and below.

Section 2. Those features of the property that are integral to its architectural and cultural significance shall be understood to include the following:

> The entire exterior and interior of the house, the accessory structure and the 0.99 acre lot on which the structure is located, including planting beds, open front lawn and rose garden in rear yard as shown on original landscape plan, as described in Deed Book 1353 at Page 72 of the Buncombe County Register of Deeds.

Section 3. The significant features of the structure located on said property may not be demolished, materially altered, restored, or removed, nor any new structure built upon the lot without a Certificate of Appropriateness issued by the Historic Resources Commission of Asheville and Buncombe County. Any application for the demolition of this property shall require a 365 day waiting period as currently set forth in Part 3C of Article I9 of Chapter I60A of the North Carolina General Statutes (or any other period of time required by said statute as it may be amended hereafter).

Section 4. A suitable sign or plaque shall be posted indicating the said property has been designated as a local historic landmark and containing any other appropriate information. If the owner consents, the sign or plaque shall be placed upon the building or property. If the owner objects, a sign shall be placed on nearby public rights-of-way.

Section 5. The Historic Resources Commission via the City's Planning Director shall cause this ordinance to be filed and recorded as provided in Chapter 8 of the City Code.

Section 6. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid; such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clauses, or phrases be declared invalid.

Section 7. That all ordinances and clauses of ordinances in conflict herewith be and are repealed, to the extent of such conflict.

Section 8. That this ordinance shall be in force and effect on the date of adoption.

Section 9. Violation of this ordinance shall be subject to the remedies set forth in Article XVIII of Chapter 7 of the City Code of the City of Asheville, in addition to other remedies provided by law.

Read, approved and adopted this the 14th day of April, 2020.

Magdalen Bouleson
CITY CLERK

Esther G. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bouleson
City Clerk

The undersigned hereby certifies that it is the record property owner for the property described in the City of Asheville Ordinance, and hereby consents to review of the exterior and interior features and site described herein by the Historic Resources Commission of Asheville and Buncombe County.

Doris-Marie C. Martin

Doris-Marie C. Martin

STATE OF NORTH CAROLINA
COUNTY OF Buncombe

I, Mark Hampshire, a Notary Public of the County and State aforesaid certify that Doris-Marie C. Martin, Owner of said property, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and notarial seal this 23 day of November, 2020.

MARK HAMPSHIRE
Notary Public
Buncombe Co., North Carolina
My Commission Expires Aug. 29, 2024

Notary Public
Printed Notary Public Name: _____
My Commission Expires: _____

64

ASHEVILLE

City of Asheville - Exhibit A Map
Local Historic Landmark Designation

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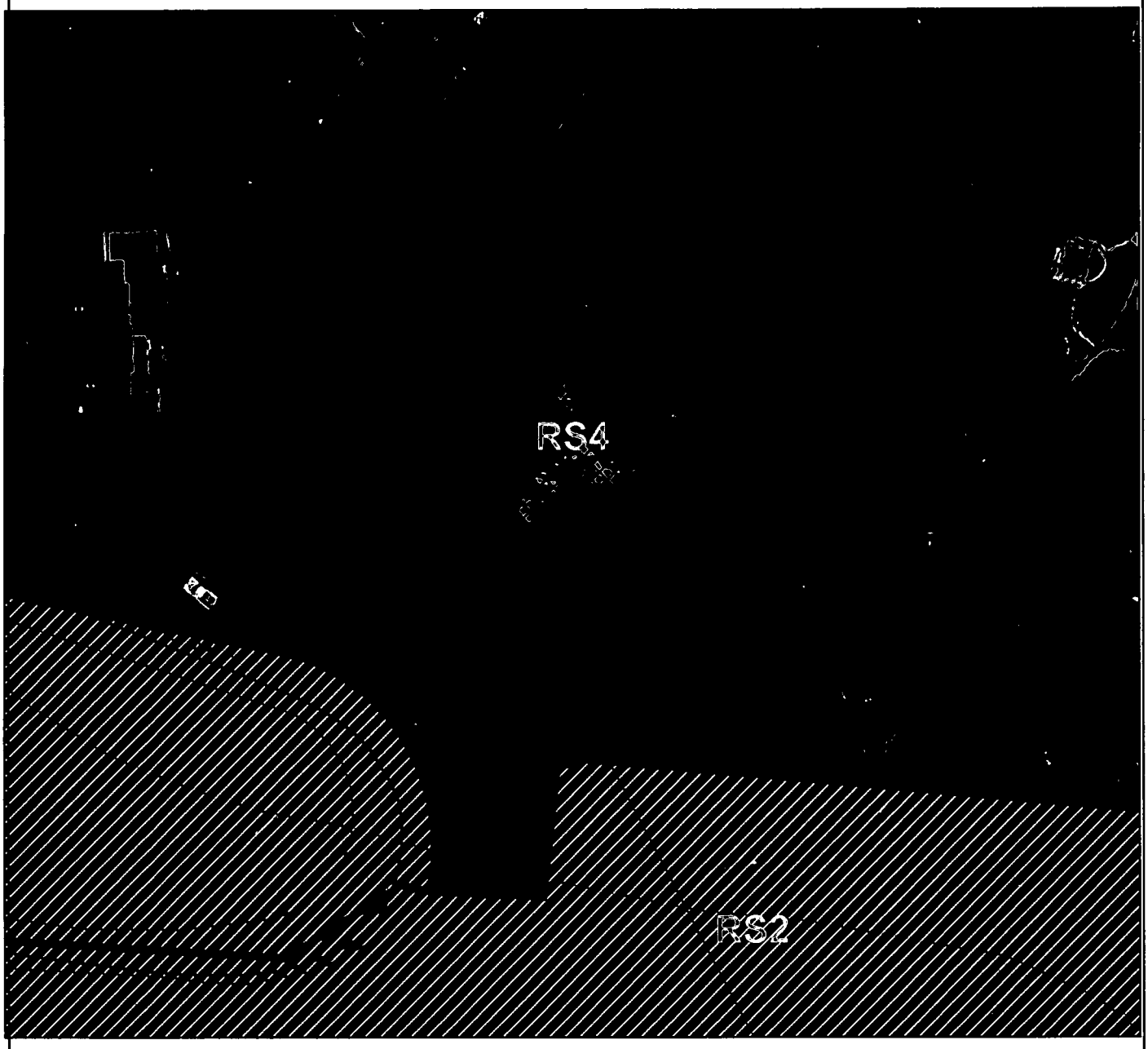
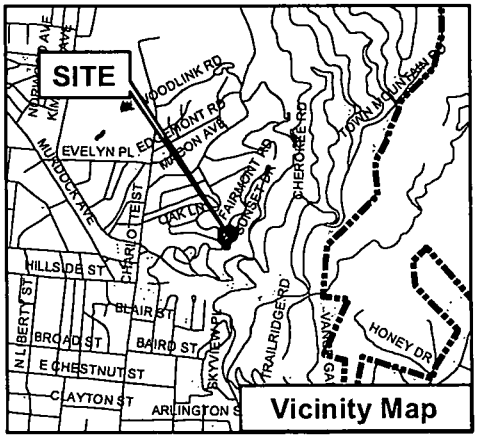


Project Name: Louie Muller Griffith House
Project Number: 18-01277 PZ
Project Description: Local Historic Landmark
Petitioner(s): Doris-Marie Martin
Parcel ID Number(s): 9649-75-5465
Location/Address: 65 Woodland Road

Project Site.
Zoning Districts
Parcels
Historic District Overlay

Imagery\Orthoimagery_Latest
RGB
Red: Band_1
Green: Band_2
Blue: Band_3



City of Asheville Planning and Urban Design Department - March 2020

ORDINANCE NO. 4799

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Fiscal Year 2019-20 Budget Ordinance be amended to provide an appropriation of $100,000 from General Fund unassigned fund balance to be utilized towards the Buncombe County Service Foundation to be used in the One Buncombe Fund as follows:

GENERAL FUND

Revenues:

Appropriated Fund Balance	$100,000.00

Appropriations:

Economic Incentives	$100,000.00

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 14th day of April, 2020.

Magdalen Bourleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bourleson
City Clerk

66

ORDINANCE NO. 4800

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Fiscal Year 2019-20 Budget Ordinance be amended to provide an appropriation of $500,000 as a grant from Federal Transit Administration (FTA) CARES Act funds as follows:

TRANSIT CAPITAL PROJECTS FUND

Revenues:

CARES Act Revenue	$500,000.00
Total Revenues	$500,000.00

Appropriations:

Machinery & Equipment	$500,000.00
Total Appropriations	$500,000.00

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 12th day of May, 2020.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

ORDINANCE NO. 4801

ORDINANCE AUTHORIZING THE CITY MANAGER TO TEMPORARILY SUSPEND FEES & CHARGES LISTED IN THE FISCAL YEAR 2019-20 FEES AND CHARGES MANUAL ON A CASE-BY-CASE BASIS

WHEREAS, the City of Asheville adopted its Fiscal Year 2019-20 Fees and Charges by Ordinance on April 9, 2019; and

WHEREAS, the necessary response to the COVID-19 pandemic has had substantial negative impacts on citizens and local businesses; and

WHEREAS, the City has attempted to ease the financial burdens placed on its citizens by administratively suspending the collection of certain fees, including transit fees, parking fees, and fees for homestay permit renewals; and

WHEREAS, the City anticipates that it will be necessary to suspend further fees and charges in order to help address the economic consequences of the COVID-19 pandemic;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The Asheville City Council hereby ratifies the administrative decision to suspend collection of transit, parking, and homestay permit fees, and further hereby authorizes the City Manager to temporarily suspend fees & charges listed in the FY 2019-20 Fees and Charges Manual on a case-by-case basis.

Read, approved and adopted this the 12th day of May, 2020.

Magdalen Bouleson
City Clerk

Esther G. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bouleson
City Clerk

Attachment: Review of Enacted and Potential Suspensions of Fees and Charges

Currently Suspended Fees & Charges (Category 1: City fees suspended)

Fee & Detail	*Suspension Effective Date*	*Estimated Monthly Revenue Loss*
Parking garage transient (hourly) parking	3/18/20	$ 215,000
On-street metered and permitted parking	3/18/20	$ 170,000
On-street parking enforcement (fines)	3/18/20	Unknown
Transit fares	3/20/20	$ 200,000
Parking garage and off-street surface parking monthly accounts	4/01/20	$ 92,000

Fees & Charges Under Review

Homestay Permits (category 2: direct result of COVID-19)

- Initial 90-day deferment of fee for homestay permits, which currently are not permitted to operate unless they are addressing a COVID-19 related housing need.
- These permits would typically bring in $34,000 over a 90-day period.

Temporary Use Permits (category 2: direct result of COVID-19)

- Waive fees for temporary use permits issued for activities that are in response to COVID-19. This includes outdoor tents for businesses and modified or pop-up farmers markets.
- Since these permits would not be necessary without the COVID-19 pandemic, the financial impact to the city is primarily in staff time associated with approval.

Food Truck Permits (category 2: direct result of COVID-19)

- Initial 90-day deferment of fees for new food truck registrations.
- Minimal financial impact since food trucks already in operation have existing permits in place through the end of the calendar year.

Fees for uses of public right-of-way (category 3: economic development or public good)

- Staff propose that several fees charged for use of public right-of-way (i.e., sidewalks) be deferred until January 1, 2021. This deferral provides interim relief to vendors and businesses while presenting an opportunity to improve service and operational efficiency for the permit renewal process. Moving forward, all permits of this type would be renewed in January to achieve the following goals:
    - Provide a uniform fee deferment to all respective permit holders.
    - Create a uniform renewal cycle for businesses and city staff.
    - Take advantage of a slower period of the year for many businesses and for staff processing development-related permits.

Permit Type	*Current Annual Renewal Period*
Push Cart Renewal	March
A-Frame Sign	July
Outdoor Dining & Merchandise Renewal	July

Loan payments related to affordable housing made by the City to other organizations from the Affordable Housing Trust Fund (Category 4: loan payments in excess of one month)

- Staff proposes deferment of these loan payments for a period of three (3) months to allow organizations to work with tenants and recipients of affordable housing assistance ensuring that they do not lose access to safe housing.
- No long-term financial impact - loans will still be collected as part of the final loan balloon payments. No impact to operations.

70.

ORDINANCE NO: 4802

ORDINANCE AMENDING CHAPTER 11 ENTITLED "MISCELLANEOUS PROVISIONS," SECTION 11-7 ENTITLED "DISCHARGE OF FIREARMS OR WEAPONS," OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE

WHEREAS, North Carolina General Statute 160A-189 authorizes cities to adopt ordinances to regulate, restrict, to prohibit the discharge of firearms at any time or place within the city limits except when used in the defense of person or property or pursuant to lawful directions of law-enforcement officers, and may regulate the display of firearms on the the streets, sidewalks, alleys, or other public property; and

WHEREAS, under the City's existing ordinance Section 11-7, discharge of any firearm or weapon, including bows and arrows, is prohibited; and

WHEREAS, amending this ordinance to allow for limited exceptions is consistent with the City Council Vision of a Clean and Healthy Environment as it will assist in managing the local deer population with a more balanced ecosystem and allow for the creation of locally sourced foods;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The City Council hereby adopts amendments to Article I of Chapter 11 of the Code of Ordinances of the City of Asheville regarding Discharge of Firearms or Weapons, reading as follows:

Sec. 11-7. Discharge of firearms or weapons

No person shall shoot or discharge, within the corporate limits of the city, any firearm, gun, rifle, pistol, air rifle, spring gun or compressed air rifle or pistol or other similar device or weapon which impels or discharges with force any bullet, shot or pellet of any kind, including arrows with metallic tips or sharp tips of any nature, designed to penetrate and propelled by a bow or spring device.

(a) This section shall not apply to any law enforcement officer of any governmental agency or body charged with the duties of protecting life or property or enforcing laws and regulations while engaged in the performance of his official duty.

(b) This section shall not apply in defending one's self or property or the safety and property of others nor to a firing or archery range operated or supervised by an individual, club or organization for educational or sporting purposes, if such firing or archery range has first been inspected and approved by the police department.

(c) This section shall not apply, to deer hunting by bow and arrow or crossbow ("collectively archery"), as defined by the North Carolina Wildlife Resources Commission, on private property, solely for the purpose of controlling the deer population (and no other wildlife), and further complies with the restrictions described below. This exception shall apply only during the Western Deer Season, or outside of season with a valid depredation permit issued by the N.C.Wildlife Resource Commission. A person may engage in deer archery on his or her own property if he or she has on his or her person a valid hunting licences and written notice to proceed issued by Asheville Police Department ("APD"), or on the property of another in their absence if he or she has on his or her person a valid hunting license, written permission from the property owner or the property owner's authorized agent or manager, and written notice to proceed issued by the APD described in this section. Parcels or tracts of land that are either owned by a person engaged in deer archery or for which that person has been given written permission to hunt shall

be hereinafter referred to as the "property of consent." Archery may be permitted if all of the following conditions are met:

(1) The property of consent must be twenty (20) acres or greater in area and may be comprised of contiguous parcels or tracts; and

(2) Deer Archery must be conducted from a permanent or portable elevated platform of at least ten (10) feet above the ground; and

(3) No arrow shall be discharged within two hundred and fifty (250) feet from any residential dwelling, public right of way, street,highway, school, church, government property, occupied structure, park, or other recreational area, nor shall any arrow be discharged within two hundred and fifty (250) feet of the perimeter of the property of consent; and

(4) No deer archery shall commence without a posting, located as to sufficiently alert the public, that hunting by archery is occurring on the property of consent; and

(5) There is a valid hunting season in effect, or by valid depredation permit issued by the N.C. Wildlife Resource Commission, for which the hunting license applies at the time the bow or crossbow is discharged; and

(6) Hunters shall make every reasonable effort to track wounded deer for the purposes of completing the harvest and recovering the carcass; and

(7) The Hunter adheres to all applicable state and local regulations; and

(8) The person discharging the bow or crossbow exercises reasonable regard for the safety and property of other persons.

Prior to commencing any deer archery activity on the property of consent, the Property Owner or third parting with property owner's consent, must present all of the aforementioned documentation (i.e. proof property size, written permission, copy of hunting license, depredation permit) to the Asheville Police Department ("APD") for review and approval. APD may inspect the property as part of this approval process. If approved, APD may issue a written notice to proceed to the Property Owner.

Section 2. Should any section or provision of this ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, the declaration shall not affect the validity of this ordinance as a whole or any part thereof that is not specifically declared to be invalid or unconstitutional.

Section 3. All ordinances or part of ordinances in conflict are hereby repealed to the extent of such conflict.

Section 4. This ordinance shall be enforced as provided in City Code section 1-5.

Section 5. This ordinance will become effective upon adoption.

Read, approved and adopted this 12th day of May, 2020.

Magdalen Burleson
CITY CLERK

Esther G. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Burleson
City Clerk

72

ORDINANCE NO. 4803

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended in the amount of $22,445,994 to account for the refunding component of the 2018 General Obligation Bond draw program as follows:

GENERAL FUND (2100 Fund)

Revenues:

Proceeds of Debt - Refunding	$ 20,825,000.00
Proceeds of Debt - Refund Prem	$ 1,620,994.25

Appropriations:

Payment to Defease Debt	$ 22,175,550.27
Debt Issuance Cost	$ 270,443.98

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 26 day of May, 2020.

Magdalen Bouleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bouleson
City Clerk

ORDINANCE NO. 4804

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Fiscal Year 2019-20 Budget Ordinance be amended to provide an appropriation of $153,278 to accept a Federal grant from the Department of Justice for the 2020 Coronavirus Emergency Supplemental Funding Program (CESF) grant, as follows:

SPECIAL REVENUE FUND

Revenues:

Federal Grants	$153,278
Total Revenues	$153,278

Appropriations:

Supplies - Other	$ 78,278
Supplies - Safety Equipment	$ 75,000
Total Appropriations	$153,278

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 26th day of May, 2020.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

ORDINANCE NO. 4805

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Fiscal Year 2019-20 Budget Ordinance be amended to provide an appropriation of $285,416.00 to accept a Federal grant from the Executive Office of the President, Office of National Drug Control Policy for the Asheville High Intensity Drug Trafficking Areas 2020 Grant as follows:

SPECIAL REVENUE FUND

Revenues:

Federal Grants	$285,416.00

Appropriations:

Overtime, Travel, Services and Supplies	$285,416.00

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 26th day of May, 2020.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

ORDINANCE NO. 4806

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Fiscal Year 2019-20 Budget Ordinance be amended to provide an appropriation of $962,000 as a grant from Federal Transit Administration (FTA) CARES Act funds as follows:

TRANSIT SERVICES FUND

Revenues:

CARES Act Revenue	$962,000
Total Revenues	$962,000

Appropriations:

Contracted Services	$962,000
Total Appropriations	$962,000

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 26th day of May, 2020.

Magdalen Bouleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bouleson
City Clerk

76

ORDINANCE NO. 4807

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Fiscal Year 2019-20 Budget Ordinance be amended to provide an appropriation of $4,936,900 as a grant from Federal Transit Administration (FTA) CARES Act funds to execute subrecipient agreements and amend the Transit Multi-Year Fund as follows:

TRANSIT CAPITAL PROJECTS FUND

Revenues:

CARES Act Revenue	$4,936,900
Total Revenues	$4,936,900

Appropriations:

Transit Pass Through Grant	$4,936,900
Total Appropriations	$4,936,900

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved, and adopted this the 9th day of June 2020.

Magdalen Burleson
City Clerk

Esther G. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

ORDINANCE NO. 4808

ORDINANCE WAIVING CONSTRUCTION PERMITTING FEES IN RELATION TO THE ASHEVILLE ART MUSEUM'S CONSTRUCTION OF AN EXIT PASSAGEWAY AT 2 SOUTH PACK SQUARE

WHEREAS, the City of Asheville is the owner of certain real property situated at 2 South Pack Square and 18 Biltmore Ave.; and

WHEREAS, the Asheville Art Museum ("AAM") intends to construct, in conjunction with an adjacent private property owner, an Exit Passageway through the arcade at 18 Biltmore Avenue; and

WHEREAS, the construction of the proposed Exit Passageway will promote the safe operation of the City's facilities at 18 Biltmore Avenue; and

WHEREAS, the City wishes to facilitate the construction of the proposed Exit Passageway by waiving the construction permitting fees that AAM would ordinarily be required to pay in order to construct said Exit Passageway;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The Asheville City Council hereby waives any and all construction permitting fees that would be required under the City's Fees and Charges Manual for the construction of an Exit Passageway through the arcade at 18 Biltmore Avenue.

Read, approved and adopted this the 9th day of June, 2020.

Magdalen Burleson
City Clerk

Esther G. M
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

78

ORDINANCE NO. 4809

ORDINANCE AMENDING THE FEES & CHARGES MANUAL TO DISCONTINUE THE WATER RESOURCES CAPITAL IMPROVEMENT FEE(s)

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The Water Resources Capital Improvement Fee(s) will be discontinued and the City's Fees and Charges Manual is hereby amended to remove the Capital Improvement Fee.

That this ordinance shall be in full force and effective upon July 1, 2020.

Read, approved, and adopted this 23rd day of June 2020.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

ORDINANCE NO. 4810

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Fiscal Year 2019-20 Budget Ordinance be amended to provide $233,866 from General Fund Assigned Fund Balance (funds previously assigned for capital expenditure) to aid in funding a portion of the $427,788.61 payment to the Asheville Art Museum as follows:

GENERAL CAPITAL PROJECTS FUND

Revenues:

Transfer from General Fund	$233,866.00
Total Revenues	$233,866.00

Appropriations:

Buildings	$233,866.00
Total Appropriations	$233,866.00

GENERAL FUND

Revenues:

Fund Balance	$233,866.00
Total Revenues	$233,866.00

Appropriations:

Transfer to Gen Cap Fund	$233,866.00
Total Appropriations	$233,866.00

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved, and adopted this 23rd day of June 2020.

Magdalen Bowleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

ORDINANCE NO. 4811

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Fiscal Year 2019-20 Budget Ordinance be amended to provide an appropriation of $7,000.00 as a grant allocation from Connect Buncombe as follows:

SPECIAL REVENUE FUND

Revenues:

Restricted Intergovernmental Funds	$7,000.00
Total Revenues	$7,000.00

Appropriations:

Contracted Services	$7,000.00
Total Appropriations	$7,000.00

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 23 day of June, 2020.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

ORDINANCE NO. 4812

ORDINANCE AMENDING CONDITIONAL ZONING (ORD. NO. 4604) FOR PROPERTY LOCATED AT 1500 TUNNEL ROAD

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, on July 25, 2017, the Asheville City Council adopted Ordinance No. 4604 rezoning the property located at 1500 Tunnel Road (PIN 9678.15-1933) from Highway Business (HB) district to Lodging Expansion Conditional Zone (LODG EXP-CZ) district for the construction of a new hotel; and

WHEREAS, the property owner now seeks an amendment to include site and building signage which was not included in Ordinance No. 4606 to direct visitors to the business; and

WHEREAS, this proposed amendment is consistent with the City's Living Asheville Comprehensive Plan, Smart Growth policies, and other official plans of the City and is determined to be to be reasonable and in the public interest for the following reasons:

a) The amendment does not substantially deviate from the project details previously approved other than the addition of signage:
b) Signage will benefit visitors coming to the site; and
c) The signage will be compatible with the surrounding area.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

The zoning classification of that certain real property described in Exhibit A and identified on Buncombe County tax maps as PIN 9678.15-1933, recorded

in Deed Book 197, Page 035 and currently owned by Commodore Holdings LLC from Lodging Expansion Conditional Zone (LODG EXP CZ) to Lodging Expansion Conditional Zone (LODG EXP CZ). A copy of the official zoning map showing said lots is attached hereto as Exhibit "A" and made a part hereof. Said rezoning is subject to the conditions set out in Exhibit "B.1", and substantially complies with the site plans shown in Exhibit "C", both attached hereto and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. The ordinances shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 5. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 23rd day of June, 2020.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

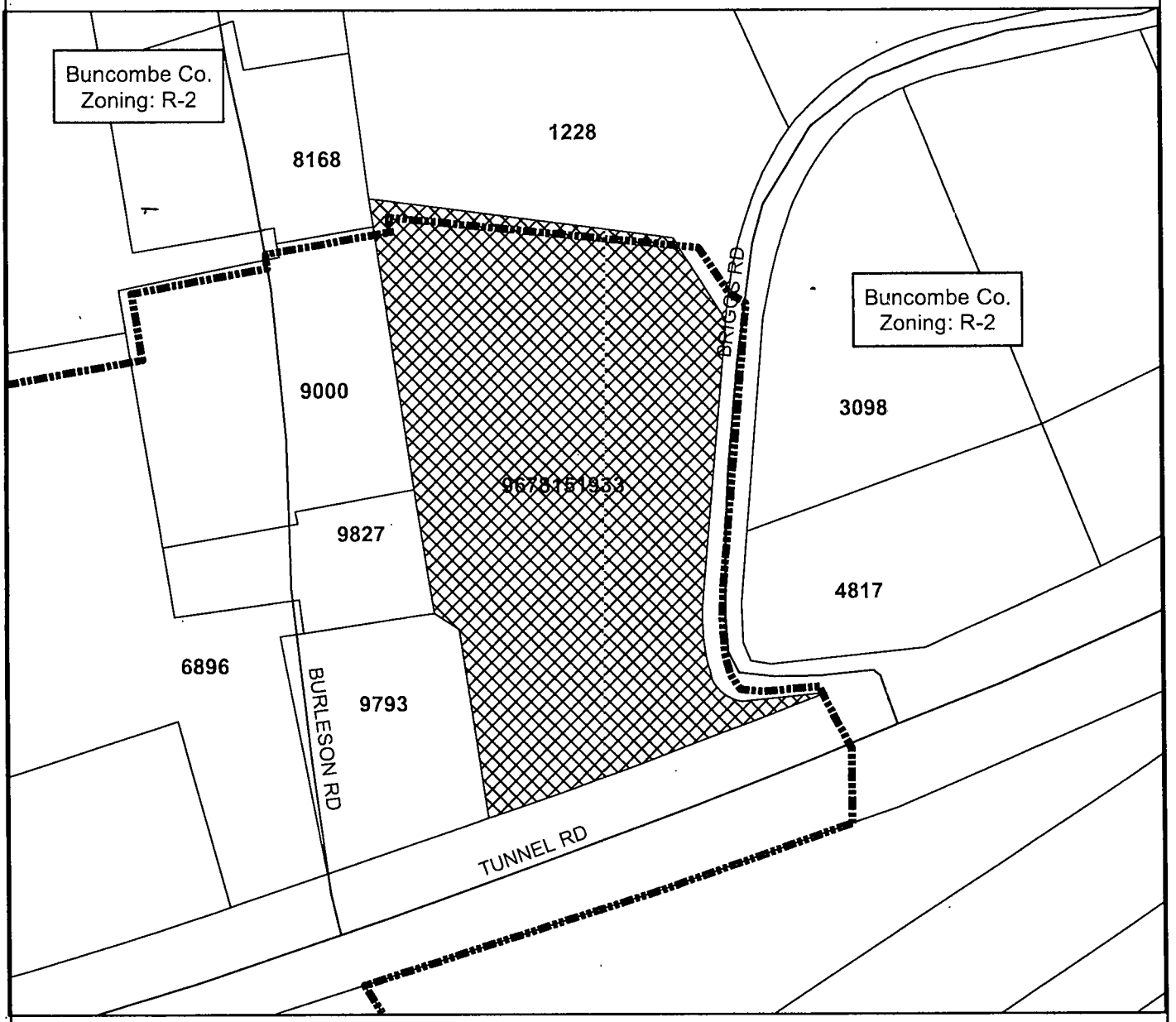
City Attorney

Magdalen Burleson
City Clerk

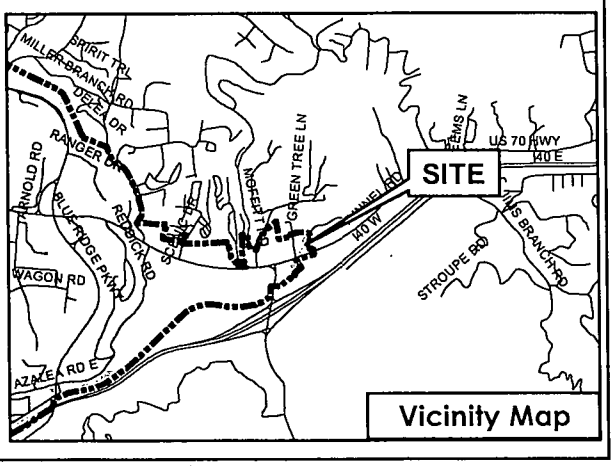
City of Asheville - Exhibit A Map
Conditional Zoning Amendment Review
Tru Hotel - 1500 Tunnel Rd.

ASHEVILLE

N W E S



Project Name: Conditional Zoning Amendment
Project Number: 17-03326PZ
Project Description: CZ Amendment for site signage
Petitioner(s): Commodore Holdings, LLC
Parcel ID Number(s): 9678-15-1933
Location/Address: 1500 Tunnel Road



Project Site
Parcels
Zoning Districts
Asheville City Limits
Streets
Streams

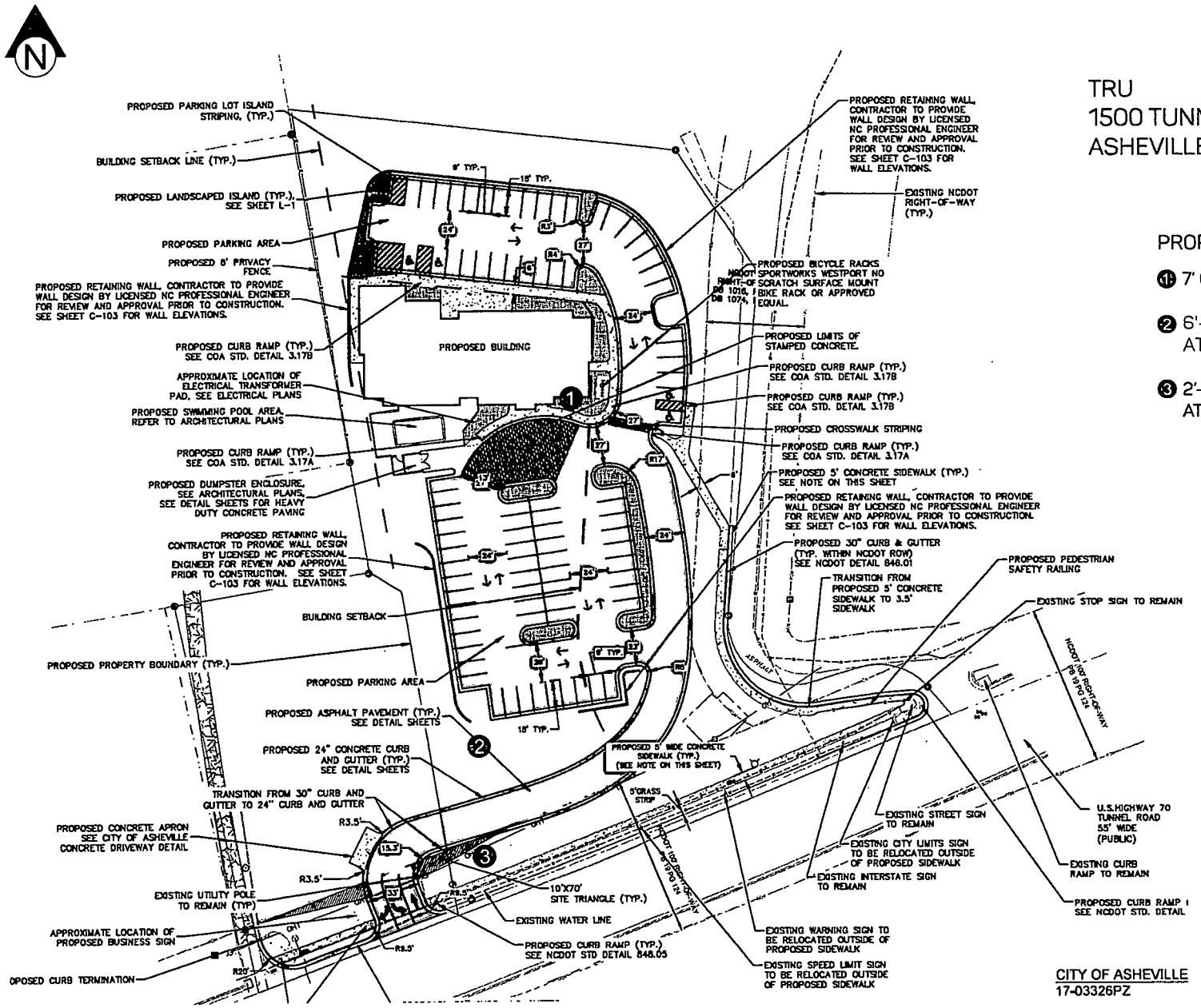
City of Asheville Planning and Urban Design Department - May 2020

EXHIBIT B-1
CONDITIONS

1. The zoning designation for the property at 1500 Tunnel Road (1.8 acres, PIN 9678-15-1930; herein "Subject Property") is LODG EXP-CZ (Lodging Expansion Conditional Zone). A portion of PIN 9678-15-1930, .72 acre, will remain zoned Highway Business (HB) and will be subdivided from the parent tract. Future development of this new HB-zoned parcel will be subject to standards that are in place at the time of permitting.
2. The project shall consist of a new hotel, 43,000 sf, 62 feet in height, with 86 rooms, 90 parking spaces and associated support facilities and amenities (office, outdoor swimming pool, fitness room, etc.), as shown on the submitted site plan. No other uses shall be permitted.
3. The sidewalk along Tunnel Road shall be 5 feet in width, with a 5 foot wide planting strip between the sidewalk and the road. The walkway along the Tunnel Road leading up to the hotel, as shown on the site plan, shall be 5 feet wide.
4. There will be no sidewalk required along Briggs Rd. Instead, the developer will install the following public improvements: (a) the sidewalk along Tunnel Rd shall be extended to the eastern edge of Burleson Rd.; (b) improvements to the intersection of Burleson Rd with Tunnel Rd as necessary to bring the turning radius into compliance with DOT standards; (c) a pedestrian passage shall be installed across the eastern extremity of the Subject Property from the point where the driveway entering the Subject Property from the east intersects with Briggs Rd down to Tunnel Rd.; (d) landscaping shall be installed at the eastern edge of the Subject Property (where the corporate limit of the City of Asheville is), substantially in compliance with the submitted conceptual landscape plan; (e) the developer shall allow the City to place a "wayfinding" sign on the Subject Property, noting the eastern entrance into the City; and (f) the developer will pay $10,000 to the City at or before the issuance of the Certificate of Occupancy to be used to improve the bus infrastructure on Tunnel Road in the vicinity of the hotel.
5. With respect to any of the items listed in paragraph 4 (a) through (e), above, the City may elect to require the developer to pay an amount equal to the estimated cost of said item (as determined pursuant to standard construction cost estimating methodology) into a fund maintained by the City to be used to complete said item at such time as the City designates.
6. The developer will include an allowance in the project budget of up to $10,000 for works of local art in the public areas of the building, including a sculpture to be placed near the eastern point of the property, in an area visible to traffic on Tunnel Rd., signifying the entrance into the City. Proof of a binding contract(s) for this work must be provided prior to the issuance of a certificate of occupancy.
7. The hotel owner/operator will provide passes for Asheville's bus system for those employees who request them in order to travel to and from work at the hotel.
8. The hotel operation will comply with the "Green Lodging Profile" promulgated by the American Hotel and Lodging Association.
9. The applicant will install a fence that complies with UDO standards along the common property line between the hotel and the property abutting to the west (PIN No. 9678-06-9000) as shown on the approved site plan.

10. Building impact, retaining wall, property line buffer and street tree landscaping will meet UDO requirements approved as shown on site plans with final placement to be shown on the final site plans. Street trees along Tunnel Road must be approved by NC-DOT, if approval is required.
11. The building design, site design, construction materials, and orientation on site must substantially comply with the site plan attached hereto as Exhibit C and incorporated herein by reference and the final approved site plan that is incorporated into the zoning permit. Any major deviations from these plans will require an amendment to the zoning designation of the Subject Property in accordance with UDO procedures.
12. All legally required local, state, and federal permits and approvals must be obtained prior to initiation of construction and any pertinent legal requirements shall be met.
13. Signage for the project shall be limited to one free-standing monument sign not to exceed twelve feet in height and 60 square feet in size, and one wall-mounted sign not to exceed 80 square feet in size. Temporary and directional signage may be permitted as allowed by the Unified Development Ordinance.

86



TRU
1500 TUNNEL RD
ASHEVILLE, NC 28805

PROPOSED SIGNS:

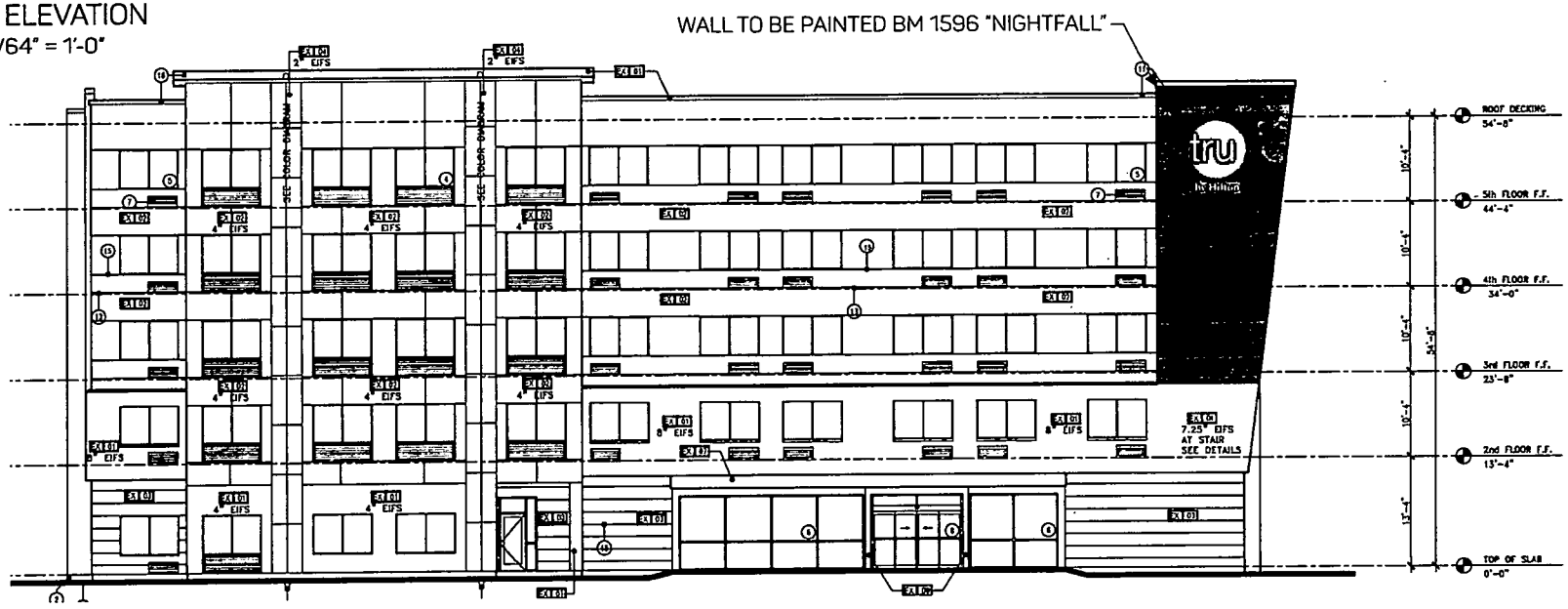
1. 7' CIRCLE WALL SIGN
2. 6'-0" x 6'-0" MONUMENT AT 10'-0" OAH
3. 2'-0" X 2'-0" CUSTOM DIRECTIONAL AT 3'-0" OAH

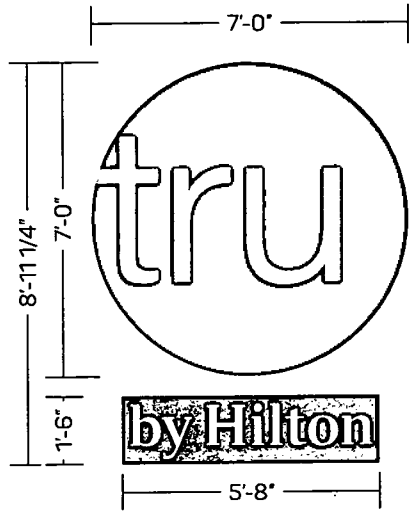
CITY OF ASHEVILLE
17-03326PZ

Exhibit C

Customer: TRU	Date: 03/03/20	Prepared By: KH/SC/KH	Note: Color output may not be exact when viewing or printing this drawing. All colors used are PMS or the closest CMYK equivalent. If these colors are incorrect, please provide the correct PMS match and a revision to this drawing will be made.	persōna SIGNS | LIGHTING | IMAGE	DISTRIBUTED BY SIGN UP COMPANY 700 21st Street Southwest PO Box 210 Watertown, SD 57201-0210 1.800.843.9888 · www.personasigns.com
Location: ASHEVILLE, NC	File Name: 214636 - R4 - ASHEVILLE, NC		Eng: –		

① FRONT ELEVATION
SCALE: 3/64" = 1'-0"





WALL SIGN DETAIL
SCALE: 1/4" = 1'-0"

APPROVAL BOX - PLEASE INITIAL		
CUSTOMER APPROVAL		Date

NOTE: Elevation drawings are for customer approval only, drawings are not to be used as any installation guide, all dimensions must be verified before installation.

Customer: TRU	Date: 10/31/19	Prepared By: KH	Note: Color output may not be exact when viewing or printing this drawing. All colors used are PMS or the closest CMYK equivalent. If these colors are incorrect, please provide the correct PMS match and a revision to this drawing will be made.
Location: ASHEVILLE, NC	File Name: 214636 - R4 - ASHEVILLE, NC		Eng: –

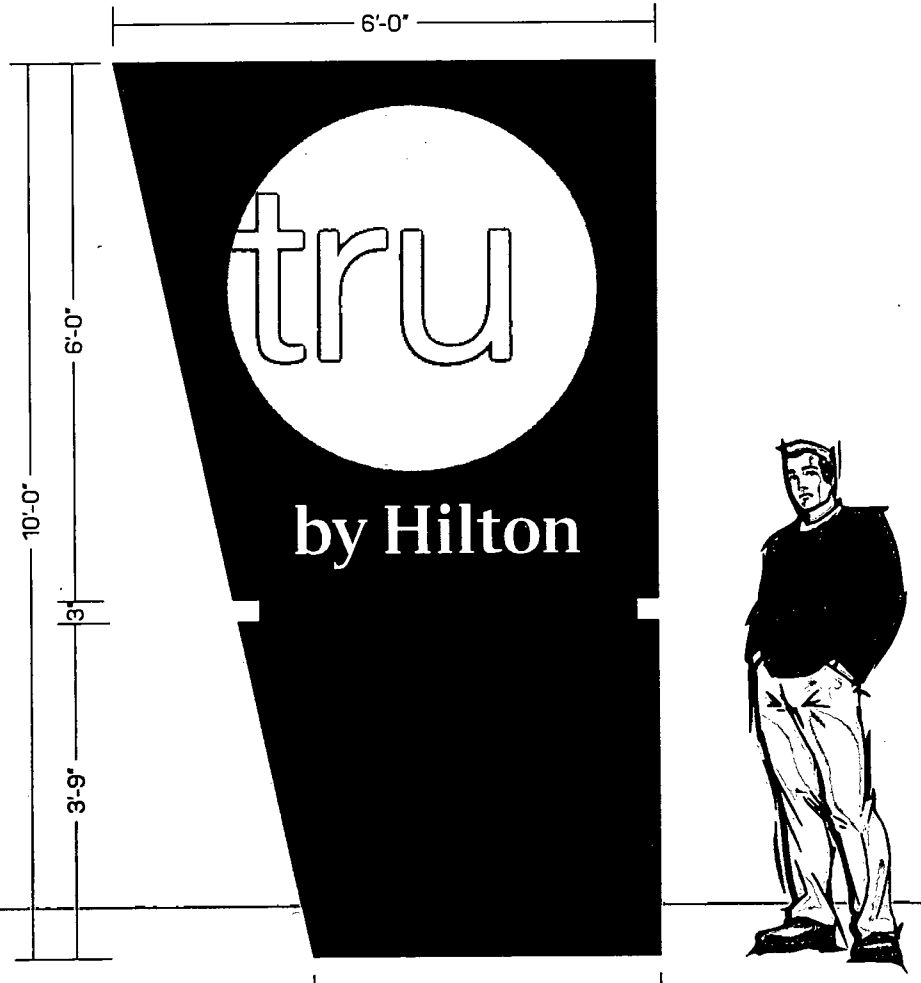
persōna
SIGNS | LIGHTING | IMAGE

DISTRIBUTED BY SIGN UP COMPANY
700 21st Street Southwest
PO Box 210
Watertown, SD 57201-0210
1.800.843.9888 · www.personasigns.com

Exhibit C 87

88

②



MONUMENT SIGN
SCALE: 1/2" = 1'-0"

APPROVAL BOX - PLEASE INITIAL		
CUSTOMER APPROVAL		Date

NOTE: Elevation drawings are for customer approval only, drawings are not to be used as any installation guide, all dimensions must be verified before installation.

Customer: TRU	Date: 12/05/19	Prepared By: KH	Note: Color output may not be exact when viewing or printing this drawing. All colors used are PMS or the closest CMYK equivalent. If these colors are incorrect, please provide the correct PMS match and a revision to this drawing will be made.
Location: ASHEVILLE, NC	File Name: 214636 - R1 - ASHEVILLE, NC		Eng: –

persōna
SIGNS | LIGHTING | IMAGE

DISTRIBUTED BY SIGN UP COMPANY
700 21st Street Southwest
PO Box 210
Watertown, SD 57201-0210
1.800.843.9888 · www.personasigns.com

Exhibit C

ORDINANCE NO. 4813

AN ORDINANCE ADOPTING AN INTERIM BUDGET FOR THE MONTH OF JULY 2020 FOR THE FOLLOWING FUNDS; GENERAL FUND, WATER RESOURCES FUND, PARKING SERVICES FUND, STREET CUT UTILITY FUND, STORMWATER FUND, CIVIC CENTER FUND, TRANSIT FUND, CAPITAL RESERVE FUND, HOUSING TRUST FUND, SUSTAINABILITY FUND AND INTERNAL SERVICES FUNDS

WHEREAS, Article 3 of Chapter 159 of the N.C. General Statutes requires local governments in North Carolina to adopt ordinances establishing an annual budget, in accordance with procedures specified in said Article 3; and

WHEREAS, N.C. General Statute 159-16 gives local governments the authority to make interim appropriations for the purpose of paying salaries, debt service payments, and the usual ordinary expenses for the interval between the beginning of the budget year and the adoption of the budget ordinance,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The following amounts are hereby appropriated for operating City government for the interim period beginning July 1, 2020 and ending July 31, 2020, according to the following schedules:

REVENUES - ALL FUNDS

General Fund - Fund Balance Available	$ 8,967,350
Water Resources Fund - Fund Balance Available	6,573,671
Parking Services Fund - Fund Balance Available	382,543
Street Cut Utility Fund - Fund Balance Available	209,478
Stormwater Fund - Fund Balance Available	629,231
Harrah's Cherokee Center of Asheville Fund - Fund Balance Available	290,177
Transit Fund - Fund Balance Available	1,021,390
Capital & Debt 2100 Fund (General Fund) - Fund Balance Available	2,518,513
Housing Partnership 2300 Fund (General Fund) - Fund Balance Available	54,368
Sustainability 2400 Fund - Fund Balance Available	64,099
Internal Services Funds - Fund Balance Available	3,289,915
Total Projected Revenues	**$ 24,000,735**

APPROPRIATIONS - ALL FUNDS

General Fund (1100 Fund) Appropriations	
Administration Services	$ 172,840
Communications & Public Engagement (CAPE)	63,083
Capital Projects	237,162
City Attorney	95,064
Community & Economic Development	233,811
Development Services	376,180
Equity & Inclusion	37,917
Finance & Management Services	239,980
Fire Department	2,279,339
Human Resources	125,783
Information Technology Services	311,114
Parks & Recreation	888,812
Planning & Urban Design	106,022
Police Department	2,425,966
Public Works	970,090
Transportation	217,836
Non-Departmental	186,351
Total General Fund Appropriations	**$ 8,967,350**
Enterprise Fund Appropriations	
Water Resources Fund	$ 6,573,671
Parking Services Fund	382,543
Street Cut Utility Fund	209,478
Stormwater Fund	629,231
Harrah's Cherokee Center of Asheville Fund	290,177
Transit Fund	1,021,390
Total Enterprise Fund Appropriations	**$ 9,106,490**
Other Operating Funds Appropriations	
Capital & Debt 2100 Fund (General Fund)	$ 2,518,513
Housing Partnership 2300 Fund (General Fund)	54,368
Sustainability 2400 Fund	64,099
Internal Services Funds	3,289,915
Total Appropriations	**$ 5,926,895**

The City Manager is hereby authorized to revise the budget by transfer of appropriations within each fund.

Copies of this interim budget shall be furnished to the City Manager and the Finance Director for their use in directing the disbursement of funds.

The reserve for encumbrances at June 30, 2020, representing prior commitments as of that date shall be reappropriated pursuant to North Carolina General Statute 159 13, to the departments within various funds, under which expenditures may be made during fiscal year 2020-21 as the previous commitments are satisfied.

This ordinance shall be in full force and effect upon date of final passage.

Read, approved and adopted this the 23rd day of June, 2020.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

92

ORDINANCE NO. 4814

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Fiscal Year 2019-20 Budget Ordinance be amended to budget $943,771 in Coronavirus Relief Fund (CRF) funding in the City's Special Revenue Fund as follows:

SPECIAL REVENUE FUND

Revenues:

Intergovernmental Revenue	$943,771
Total Revenues	$943,771

Appropriations:

Various Expenses	$943,771
Total Appropriations	$943,771

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 28th day of July, 2020.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

ORDINANCE NO. 4815

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Fiscal Year 2019-20 Budget Ordinance be amended to budget $1.6 million in the City's Special Revenue Fund as follows for Shelter Operations:

SPECIAL REVENUE FUND

Revenues:

Private Donations	$50,000
Intergovernmental Revenue	$1,550,000
Total Revenues	$1,600,000

Appropriations:

Shelter Expenses	$1,600,000
Total Appropriations	$1,600,000

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 28th day of July, 2020.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

94.

ORDINANCE NO. 4816

ORDINANCE AMENDING ZONING FOR PROPERTY LOCATED AT 99999 COURTLAND AVE., 99999 GUDGER ST., AND 99999 WOODSIDE PL.

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this rezoning is also deemed an amendment to the City's Future Land Use Map, changing this parcel from Residential Neighborhood to Parks/Open Space; and

WHEREAS, this proposed amendment is consistent with the Living Asheville Comprehensive Plan, Smart Growth policies, and other official plans of the City, and is determined to be reasonable, is in the public interest, and meets the development needs of the community for the following reasons:

a. Assigns a zoning designation that is consistent with the future land use designation,
b. Allows opportunity for compatible infill development, and
c. Supports the development of housing in a locationally efficient area.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

The zoning classification of that certain real property described in Exhibit A and identified on Buncombe County tax maps as PINs 9649-11-0689; 1622 & 0671, recorded in Deed Book 5254, Page 25 and Deed Book 5746, Page 1835; and currently owned by Mahan Kalpa Khalsa Trust, from Urban Village (UV) to Residential Single-family, High Density District (RS-8). A copy of the official zoning map showing said lots is attached hereto as Exhibit "A" and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed, to the extent of such conflict.

Section 5. The ordinances shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 6. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 28th day of July, 2020.

Magdalen Burleson
City Clerk

Edwin G. M
Mayor

Approved as to form:

City Attorney

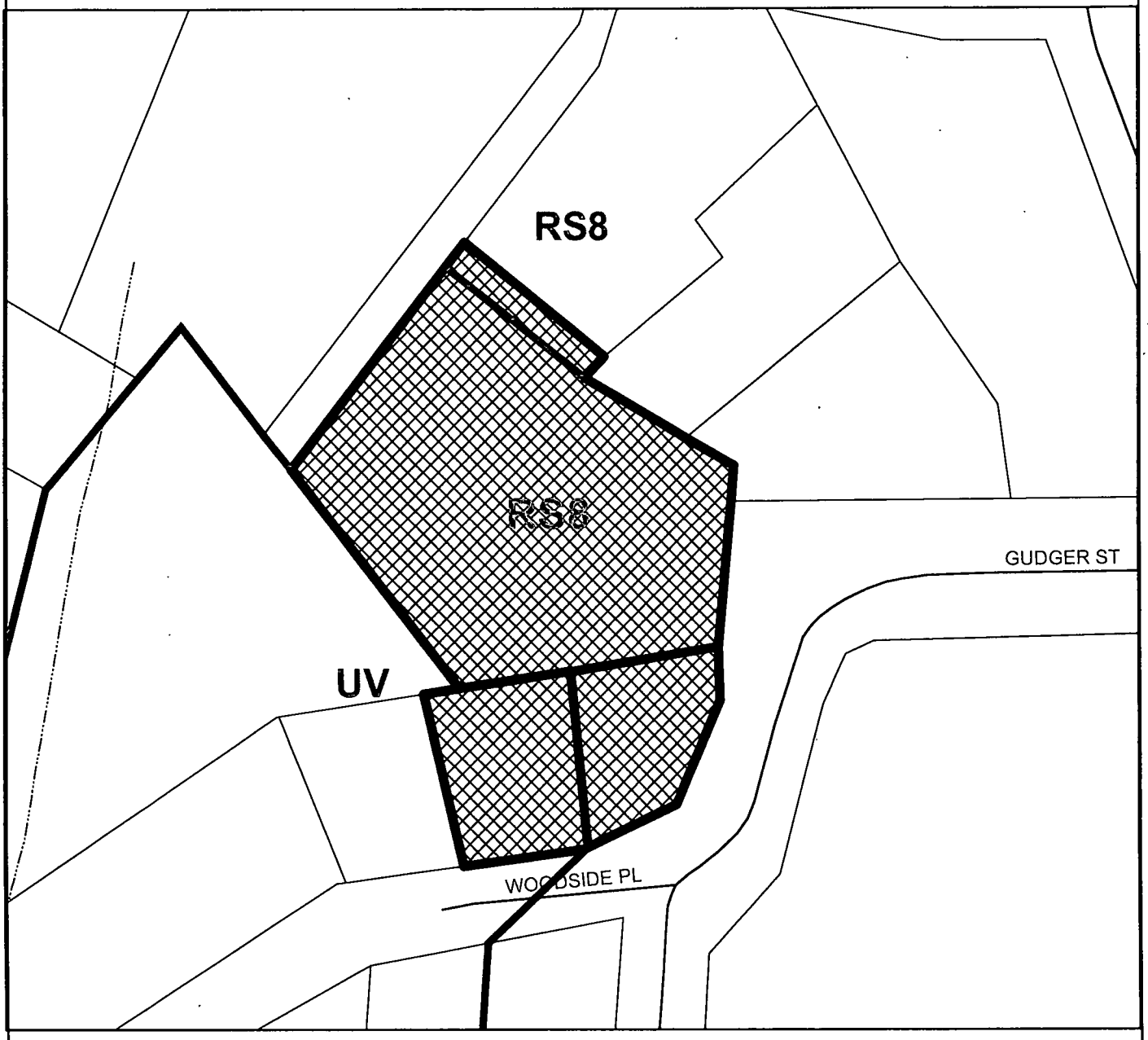
Magdalen Burleson
City Clerk

96

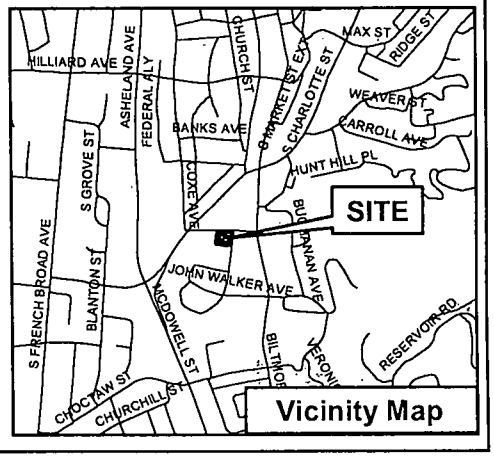
City of Asheville - Exhibit A Map
Rezo - 99999 Courtland Ave., 99999 Gudger St., 99999 Woodside Pl.

ASHEVILLE

N W E S



Project Name:	23 Courtland Ave.
Project Number:	20 - 01432 PZ
Project Description:	Rezoning Petition
Petitioner(s):	Mahan Kalpa Kalsa Trust (Agent: Tikkun Gottschalk)
Parcel ID Number(s):	9649-11-0689; 1622; 0671
Location/Address:	99999 Courtland Ave., 99999 Gudger St., 99999 Woodside Pl.



Project Site
Zoning Districts
Parcels
Streets
Asheville City Limits
River Areas

City of Asheville Planning and Urban Design Department - February 2020

ORDINANCE NO. 4817

ORDINANCE AMENDING CONDITIONAL ZONING FOR PROPERTIES LOCATED AT 135 & 137 BROAD STREET

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this proposed amendment is consistent with the *Living Asheville - A Comprehensive Plan for our Future* and is determined to be reasonable, and in the public interest for the following reasons:

a) The Traditional Corridor Future Land Use category of the Living Asheville Comprehensive Plan anticipates a mix of uses as included in this development;
b) The project is compatible with the surrounding area;
c) The proposal sites residential units in a walkable area convenient to transit; and
d) The project includes a dedicated affordable residential component.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

The zoning classification of that certain real property described in Exhibit A and identified on Buncombe County tax maps as PINs 9649-53-7557 and 9649.53-8527, and, recorded in Deed Book 4569, Page 344 and currently owned by Broad Properties LLC from CB I (Community Business I) and CBI-CZ (Community Business I - Conditional Zone) to CB I-CZ (Community Business I - Conditional Zone). A copy of the official zoning map showing said lots is attached hereto as Exhibit "A.1" and made a part hereof. Said rezoning is subject to the conditions set out in Exhibit "B.1", and substantially compliant with the site plan(s) as shown on Exhibit C attached hereto and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. The ordinances shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 5. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 30th day of July, 2020.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

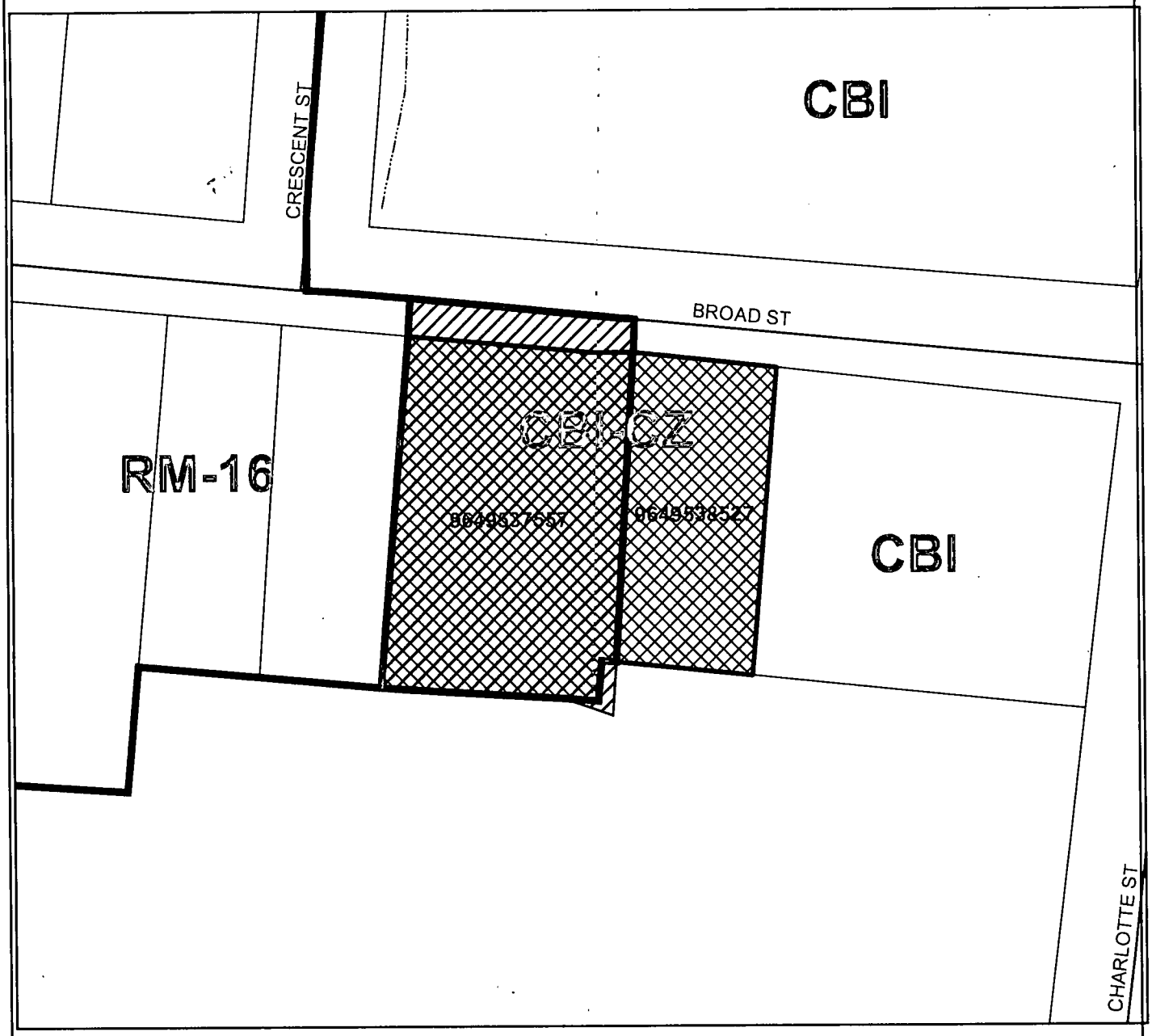
City Attorney

Magdalen Burleson
City Clerk

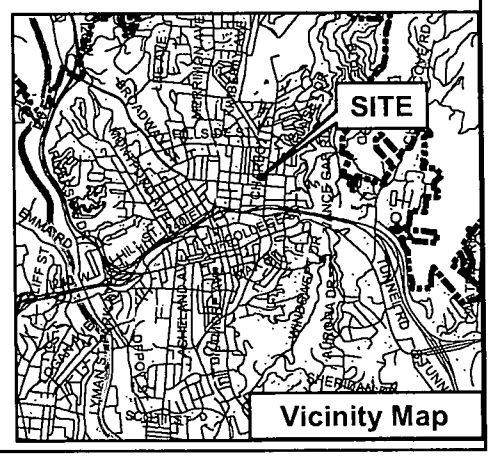
ASHEVILLE

City of Asheville - Exhibit A1 Map - Proposed Zoning
Conditional Zoning - 135 & 137 Broad Street

N W E S



Project Name:	135 & 137 Broad Street
Project Number:	14 - 13077 PZ
Project Description:	CZ from CBI and CBI-CZ to CB1-CZ
Petitioner(s):	Michael Derrig
Parcel ID Number(s):	9649-53-8527 & 9649-53-7557
Location/Address:	135 & 137 Broad Street

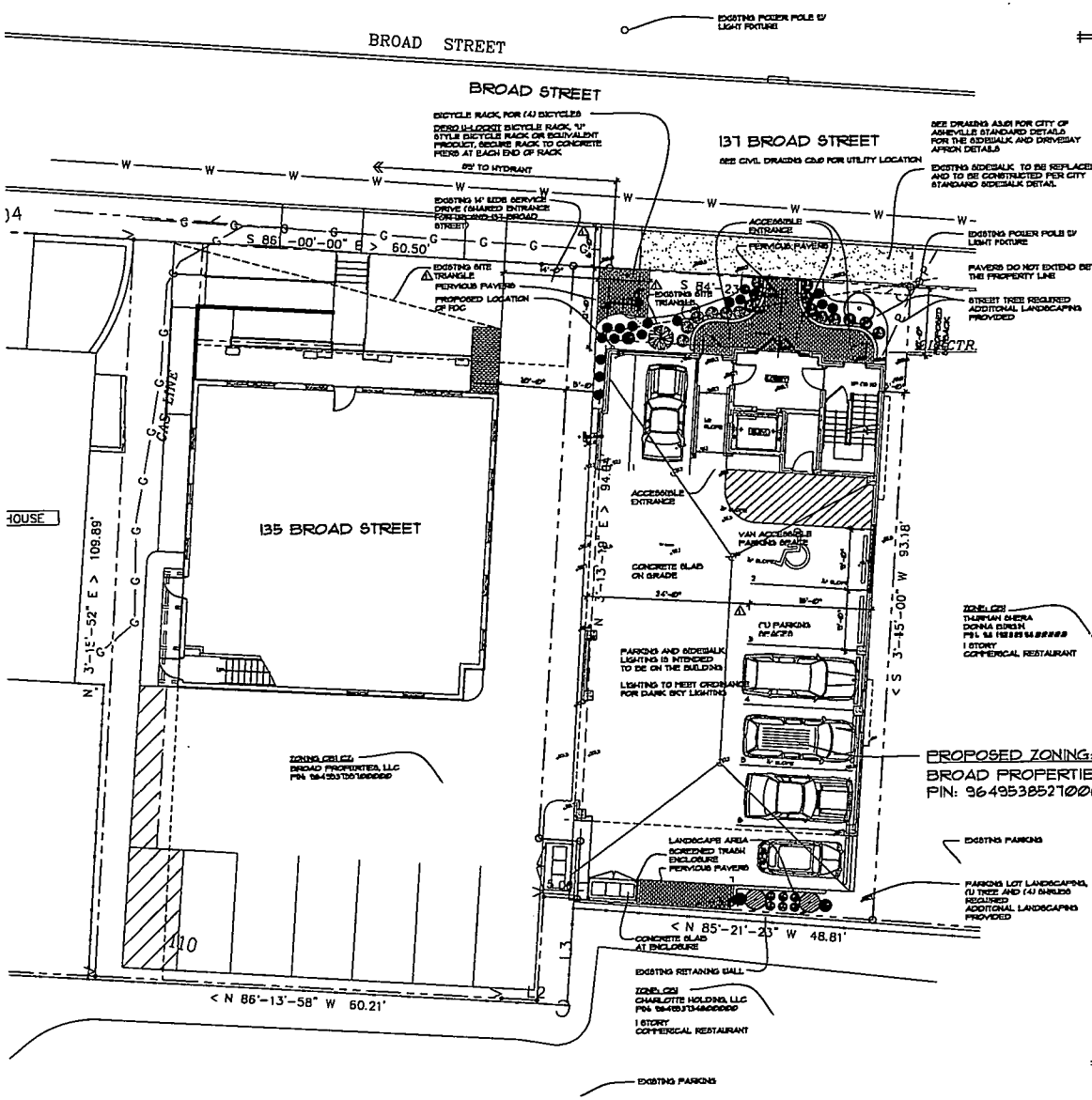


Project Site | Parcels | Asheville City Limits
Zoning Districts | Streets | River Areas

City of Asheville Planning and Urban Design Department - February 2020

Exhibit B.1 – Conditions List
135 and 137 Broad Street

1. The zoning for the properties at 135 and 137 Broad Street (PINs 9649-53-7557 and 9649.53-8527) is Community Business I Conditional Zone (CBI-CZ). This is an amendment to a previously approved project (ordinance no. 4381).
2. The approval is for the mixed-use building existing at 135 Broad Street as approved under the ordinance noted above and containing commercial business space (limited to office and/or instructional services) and three dwelling units. The approval also included six surface parking spaces and a bufferyard reduction on the west side to 10 feet for 51'6" of the property line and four feet for the remaining 43'4" of the property line.
3. The approval for 137 Broad Street is for a three story structure (48' maximum overall height) with approximately 2,200 square feet of commercial business space (limited to office and/or instructional services) and four dwelling units. There are seven parking spaces and bicycle parking as shown on site plans.
4. The project includes at least 25% of the new residential units to be dedicated for affordability at 80% AMI for at least 10 years. The rent and income shall follow the Affordable and Workforce Housing Standards determined annually by the City of Asheville Community Development Department. An Affordable Housing Deed Restriction will be provided by the City and shall be filed and recorded by the applicant/property owner in the Buncombe County Register of Deeds prior to the project receiving the final zoning permit.
5. Tinted or mirrored glass is not permitted and will not be used.
6. The 14 foot wide shared driveway shall provide access to both properties regardless of ownership.
7. The parking spaces on both sites are primarily for the office use, but will be available for the residential units during off-business hours.
8. A six-foot back of curb sidewalk will be provided along the project frontage.
9. Landscaping will be provided as shown on the landscape plan as incorporated herein by reference.
10. Signage for both sites is limited to a maximum of ten square feet per sign face and four feet in height.
11. The building design, site design, construction materials, and orientation on site must substantially comply with the site plan which is incorporated herein by reference and the final approved site plan that is incorporated into the zoning permit. Any major deviations from these plans will require reconsideration of the project by the reviewing boards.
12. All legally required local, state, and federal permits and approvals must be obtained prior to initiation of construction and any pertinent legal requirements shall be met.
13. The conditional zoning will be valid for a period of two years from the date of approval by City Council. If a building permit is not obtained within two years, the approval will no longer be valid.



1 SITE LAYOUT, MATERIALS AND ZONING PLAN
A0.21 SCALE: 1/8"=1'-0"

DEVELOPMENT DATA BLOCK FOR 137 BROAD STREET

PROJECT DATA:

PROJECT NAME:	CONDITIONAL ZONING APPLICATION FOR BROAD PROPERTIES LLC
PROJECT ADDRESS:	137 BROAD STREET ASHEVILLE, NORTH CAROLINA
OWNER NAME:	BROAD PROPERTIES, LLC 131 BROAD STREET ASHEVILLE, NORTH CAROLINA 828-781-6949
CONTACT NAME:	ADEPTUS ARCHITECTURE 121 MANLY STREET GREENVILLE, SOUTH CAROLINA 864-242-7314
PIN NUMBER:	964953852700000
ZONING DISTRICT:	EXISTING ZONING: CBI ZONING VARIANCE REQUEST TO CBI CZ TO INCREASE RESIDENTIAL DENSITY FROM (3)(4) UNITS TO (4)
SIZE OF PROPERTY:	137 BROAD STREET 4,642 SF 0.107 ACRES
SET BACKS:	FRONT SETBACK 15' PROPOSED FRONT SETBACK 10' MAY BE REDUCED TO 0' IN PEDESTRIAN ORIENTED AREAS SIDEWALK WIDENING OF ROAD IS NOT ANTICIPATED REAR SET BACK 0' SIDEYARD SETBACK 0' LANDSCAPE BUFFER CBI TO CBI NOT REQUIRED
BUILDING INFORMATION:	FIRST FLOOR PARKING, LOBBY AND STAIRS SECOND FLOOR 2,200 NET SF COMMERCIAL BUSINESS THIRD FLOOR 2,210 NET SF APARTMENTS (4 UNITS) HEIGHT (3 STORY) 40' TO THIRD FLOOR CEILING

PARKING DATA:

BUSINESS:	2,200 SF/ 300 SF = 8 PARKING SPACES REQUIRED 7 SPACES PROVIDED
RESIDENTIAL:	(2) 1 BEDROOM APARTMENTS (2) EFFICIENCY APARTMENTS REQUIRED PARKING IS 0 AS PROPERTY IS WITHIN ONE MILE OF THE COMMERCIAL BUSINESS DISTRICT
	TOTAL REQUIRED PARKING: 8 SPACES TOTAL PROPOSED PARKING: 7 SPACES INCLUDES (1) VAN ACCESSIBLE PARKING SPACE
	BICYCLE RACK FOR (4) BICYCLES

CALCULATIONS:

RESIDENTIAL DENSITY CALCULATIONS	CBI REVISED DENSITY IS 36 UNITS PER ACRE (36 UNITS PER 0.911 ACRES) = 39 UNITS PROPOSED FOR CONDITIONAL ZONING: (2) 1 BEDROOM APARTMENTS (2) EFFICIENCY APARTMENTS
LANDSCAPE CALCULATION: TYPE "A" BUFFER	LANDSCAPE BUFFER CBI TO CBI NOT REQUIRED
OPEN SPACE CALCULATION:	PROJECT IS ZONED COMMERCIAL BUSINESS DISTRICT AND LESS THAN AN ACRE AND IS THEREFORE EXEMPT FROM THE OPEN SPACE REQUIREMENT
STREET TREES:	40' (240) = (2) STREET TREES
BUILDING IMPACT LANDSCAPING:	BUILDING FOOT PRINT IS LESS THAN 3,000 SF THEREFORE BUILDING IMPACT LANDSCAPING IS NOT REQUIRED
PARKING LOT LANDSCAPING:	355 SF /2000 SF = (1) PARKING LOT LANDSCAPING TREES AND 4 SHRUBS 2 TREES AND 6 SHRUBS PROVIDED

SITEWORK:

GRADING AREA:	4,642 SF
	IMPERVIOUS SURFACE AREA: MAXIMUM ALLOWED IS 80% ACTUAL IMPERVIOUS SURFACE IS 3,734 SF/4,642 SF= 75%
EXISTING IMPERVIOUS AREA:	3,734 SF
POST CONSTRUCTION IMPERVIOUS AREA:	3,734 SF

LIGHTING:

ALL LIGHTING WILL BE MOUNTED TO THE EXTERIOR OF THE BUILDING. THERE WILL BE NO LIGHT POLES ON THE PROJECT. THE LIGHT FIXTURES SELECTED WILL BE DARK SKY TYPE TO MEET THE ZONING ORDINANCE

PLANT LEGEND

- EVERGREEN TREE
- DECIDUOUS TREE (LARGE TREE)
- DECIDUOUS TREE (SMALL TREE)
- SHRUBS (LARGE)
- SHRUBS (SMALL)

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ADEPTUS ARCHITECTURE, INC. 121 MANLY STREET GREENVILLE, SC 29601 864-242-7314

CONDITIONAL ZONING APPLICATION FOR BROAD PROPERTIES, LLC

137 BROAD STREET AND 135 BROAD STREET ASHEVILLE, NC

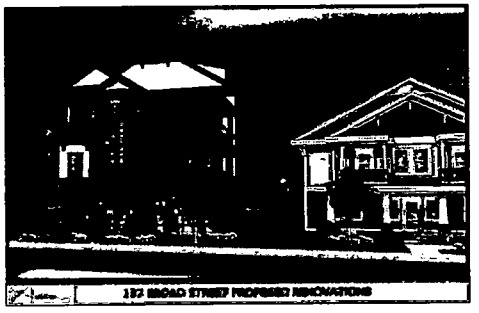
TRC SUBMITTAL DECEMBER 16, 2019

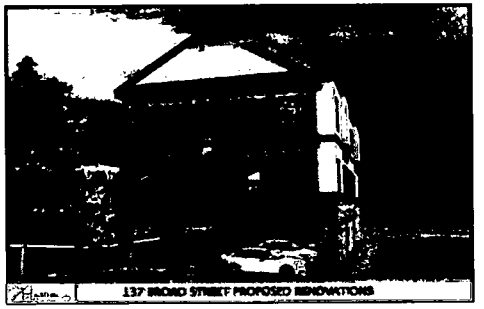
DRAWN BY:	MJD
CHECKED:	UBA
DATE:	12/16/2019
SCALE:	AS NOTED
JOB NUMBER:	1620
REVISIONS:	
1 TRC RESPONSE	02/05/20

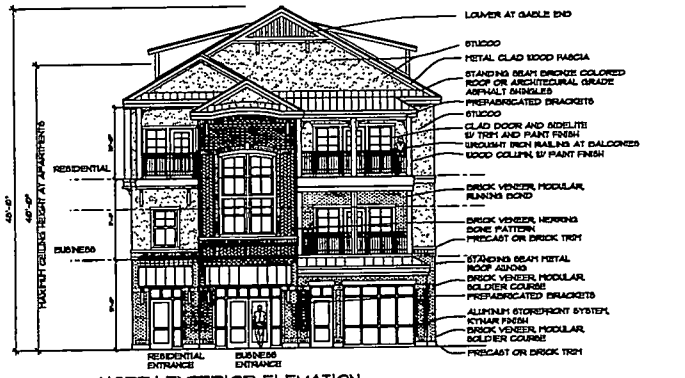
DESCRIPTION
SITE LAYOUT, MATERIALS AND ZONING PLAN

SHEET A0.21 OF SHEETS

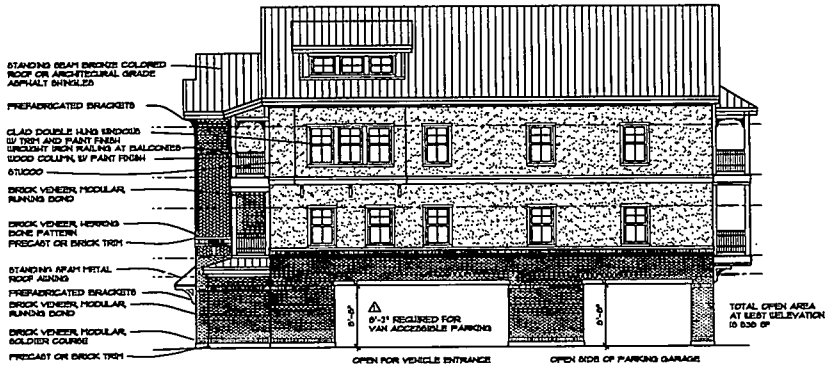
101



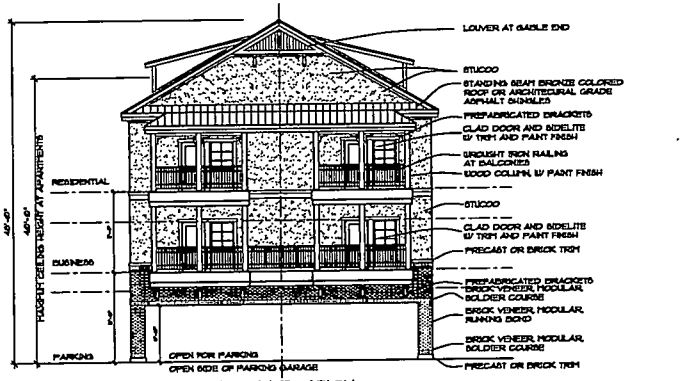




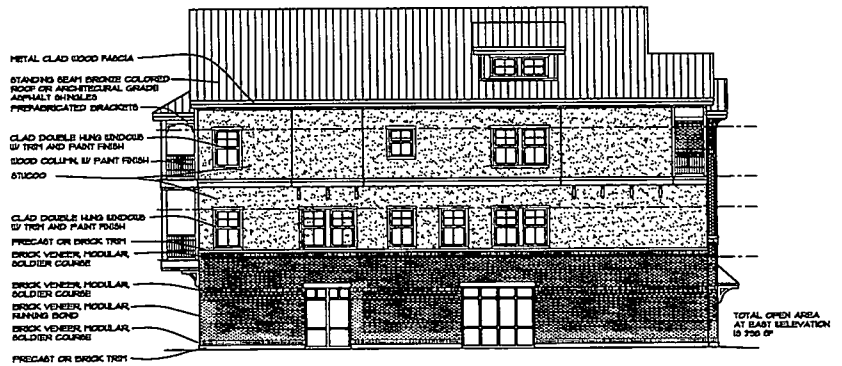
1 A2.01 NORTH EXTERIOR ELEVATION
SCALE: 1/8" = 1'-0"



2 A2.01 EAST EXTERIOR ELEVATION
SCALE: 1/8" = 1'-0"



3 A2.01 SOUTH EXTERIOR ELEVATION
SCALE: 1/8" = 1'-0"



4 A2.01 WEST EXTERIOR ELEVATION
SCALE: 1/8" = 1'-0"

ADEPTUS ARCHITECTURE, INC. 121 MANLY STREET GREENVILLE, SC 29601 864-242-7314

CONDITIONAL ZONING APPLICATION FOR BROAD PROPERTIES, LLC

137 BROAD STREET AND 135 BROAD STREET
ASHEVILLE, NC

TRC SUBMITTAL DECEMBER 16, 2019

DRAWN BY:	MJD
CHECKED:	UBA
DATE:	12/16/2019
SCALE:	AS NOTED
JOB NUMBER:	1620
REVISIONS:	
△ TRC RESPONSE	01/05/20

DESCRIPTION
BUILDING ELEVATIONS

SHEET
A2.01
OF SHEETS

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ORDINANCE NO. 4818

ORDINANCE AMENDING CONDITIONAL ZONING FOR PROPERTY LOCATED AT 61 INNOVATION DRIVE

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this rezoning is also deemed an amendment to the Future Land Use Map changing this parcel from Industrial/Manufacturing to Employment / Anchor Institution; and

WHEREAS, this proposed amendment is consistent with the *Living Asheville - A Comprehensive Plan for our Future* and is determined to be reasonable, and in the public interest for the following reasons:

a) The request allows for longer phasing for use of temporary buildings to aid in an uncertain economic time;
b) The use is appropriate in the underlying zoning district and is already in operation;
c) Site improvements such as sidewalk and dedication of a greenway easement provide valuable amenities; and
d) The proposed change to the Future Land Use of the Living Asheville Comprehensive Plan is a better alignment of the existing use.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

The zoning classification of that certain real property described in Exhibit A and identified on Buncombe County tax maps as PIN 9627-01-2917, and, recorded in Deed Book 5709, Page 753 and currently owned by Franklin School of Innovation from CI (Commercial Industrial) to INST-CZ (Institutional - Conditional Zone). A copy of the official zoning map

showing said lots is attached hereto as Exhibit "A.1" and made a part hereof. Said rezoning is subject to the conditions set out in Exhibit "B.1", and substantially compliant with the site plan(s) as shown on Exhibit D attached hereto and made a part hereof and amending the Future Land Use map from Industrial/Manufacturing to Employment/Anchor Institution as shown on exhibit C.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. The ordinances shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 5. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 30th day of July, 2020.

Magdalen Bowlesson
City Clerk

Esther E. M
Mayor

Approved as to form:

City Attorney

Magdalen Bowlesson
City Clerk

Exhibit A.1 - Proposed Zoning Map
61 Innovation Drive - Franklin School of Innovation
PIN: 9627-01-2917
Zoning Request: Conditionally rezone from Commercial Industrial (CI) to Institutional Conditional Zone (INST-CZ)

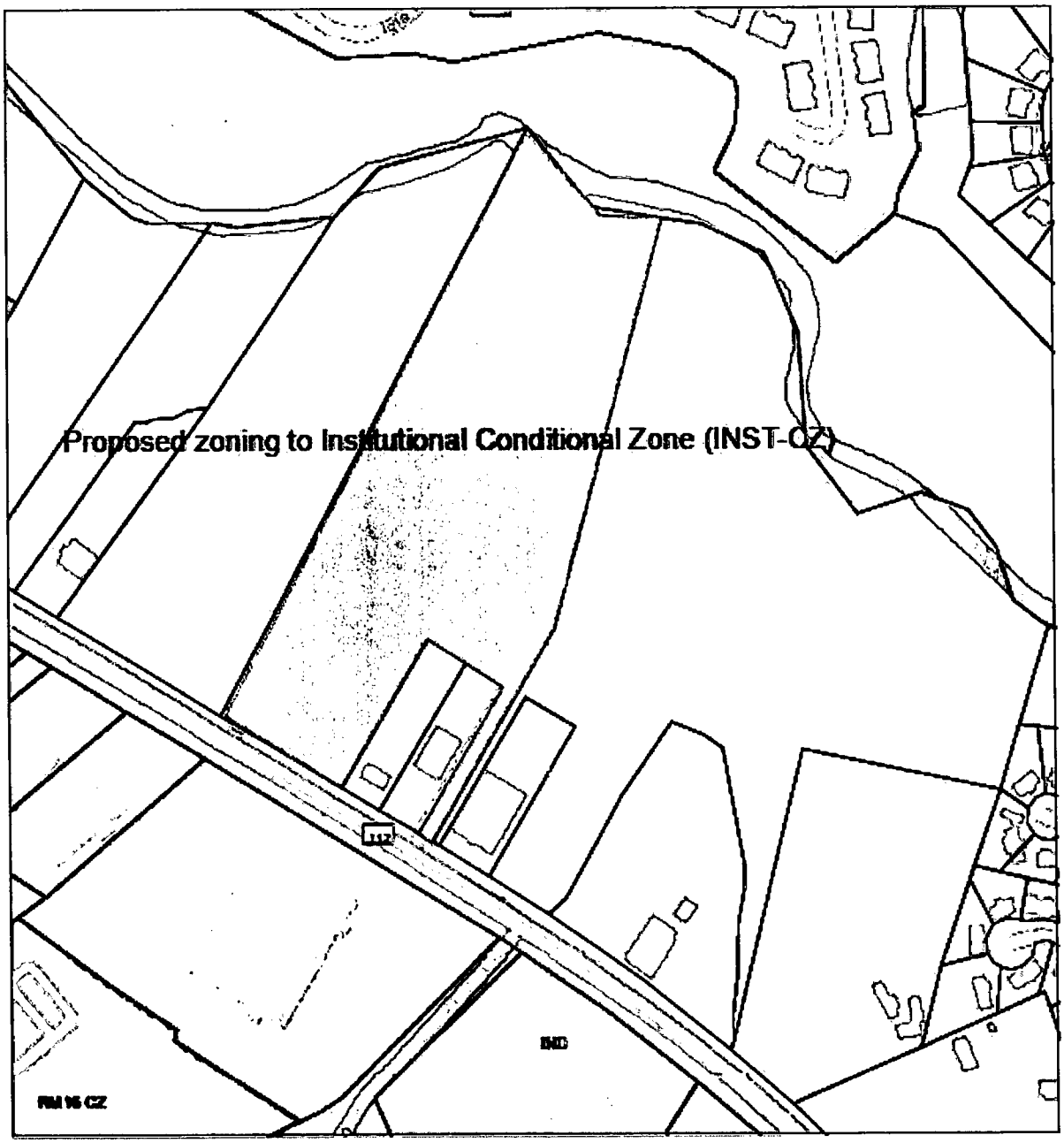
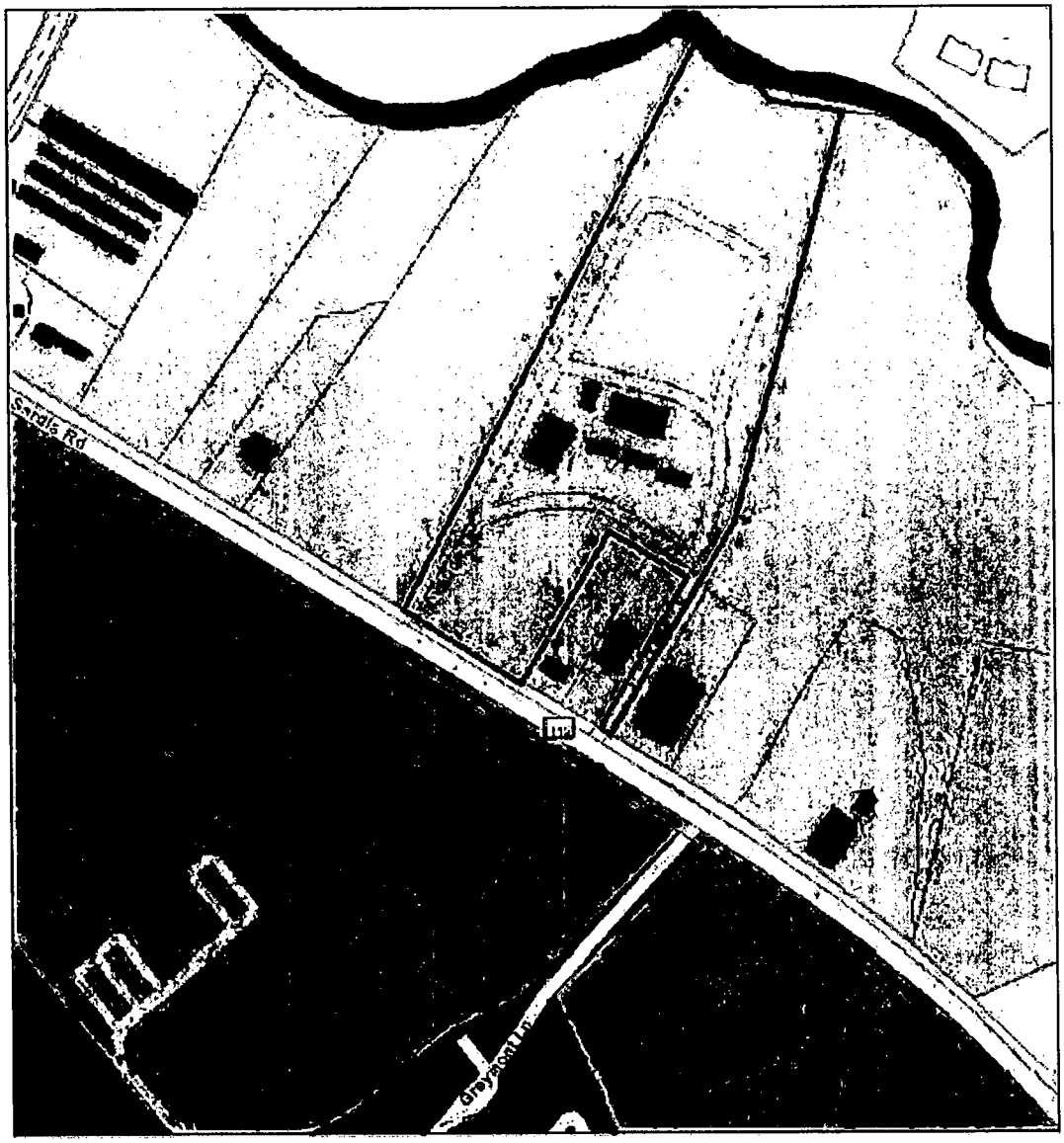


EXHIBIT B-1 Conditions | Franklin School of Innovation

1. The zoning for the parcel located at 61 Innovation Drive (PIN 9627-01-2917) is Institutional Conditional Zone (INST-CZ).
2. The approval is for an educational facility with associated site amenities and recreational spaces related to the school. The final build-out will be approximately 78,000 square feet and a maximum building height of 32 feet.
3. Vehicular access is via a one-way looped drive (Innovation Drive) that circulates around the interior of the site and back out onto Sardis Road. There are 140 parking spaces included 7 accessible. Bicycle parking is also provided throughout the site according to plans.
4. Nine temporary fabricated buildings as shown on plans are permitted to remain in use until 2025. The shipping container storage building will remain, subject to obtaining applicable building permits.
5. Sidewalks are provided along the Sardis Road frontage as well as landscaping and open space as shown on plans attached herein by reference.
6. Phasing is shown on site plans attached herein by reference.
7. A greenway easement along the Hominy Creek will be provided as noted on site plans and shall be recorded prior to final zoning approval.
8. The building design, site design, construction materials, and orientation on site must substantially comply with the site plan which is incorporated herein by reference and the final approved site plan that is incorporated into the zoning permit. Any major deviations from these plans will require reconsideration of the project by the reviewing boards.
9. All legally required local, state, and federal permits and approvals must be obtained prior to initiation of construction and any pertinent legal requirements shall be met.
10. The conditional zoning will be valid from the date of approval by City Council and must be completed by 2025 as noted above.

Exhibit C - Future Land Use Map
61 Innovation Drive - Franklin School of Innovation
PIN: 9627-01-2917
Zoning Request: Conditionally rezone from Commercial Industrial (CI) to Institutional Conditional Zone (INST-CZ) with a change to the Future Land Use Map from Industrial/Manufacturing to Employment/Anchor Institution



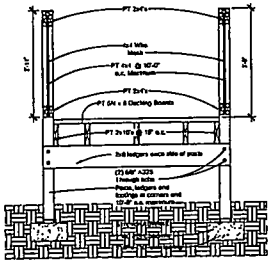
June 15, 2020

1:4,514

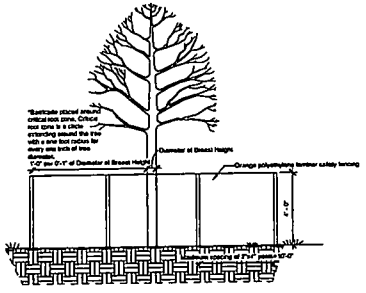
0 0.0375 0.075 0.15 mi
0 0.05 0.1 0.2 km

Asheville City Limits
Buncombe County Property
Residential Neighborhood

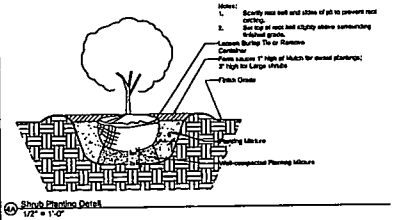
Future Land Use Overlay
Industrial / Manufacturing
Parks and Open Space



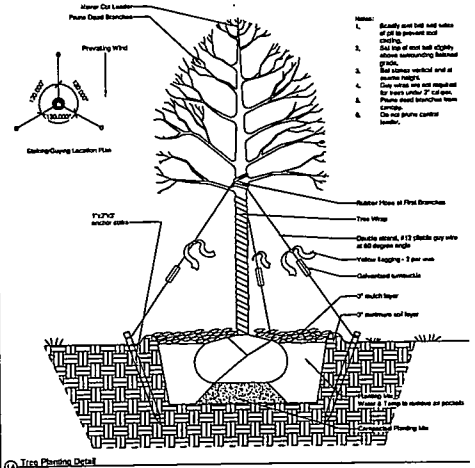
7A Work Section
3/4" = 1'-0"



6A Tree Protection
3/8" = 1'-0"



4A Shrub Planting Detail
1/2" = 1'-0"



1A Tree Planting Detail
1/2" = 1'-0"

Planting Schedule						
Type Mark	Common Name	Botanical Name	Keynote	Description	Size	Count
AM	Black Chokeberry	Aronia Melanocarpa	Deciduous Shrub	BIP	3 Gallon	44
AT	Eastern Bluestar	Amsonia tabernaemontana	Deciduous Shrub	BIP		21
CL	Yellow Corydalis	Corydalis lutea	Deciduous Shrub	BIP	3 Gallon	21
HV	Witch Hazel	Hamamelis virginiana L.	Deciduous Shrub	BIP	3 Gallon	9
SN	Snowmound Spirea	Spiraea alpponica	Deciduous Shrub	PLL	3 Gallon	44
TV	Carolina Lupine	Thermopsis villosa	Deciduous Shrub	PLL	3 Gallon	53
Deciduous Shrub: 182						
AG	Glossy Abelia	Abelia grandiflora	Evergreen Shrub	PLL	3 Gallon	3
BV	Burkwood Viburnum	Viburnum x burkwoodii	Evergreen Shrub	PLL	3 Gallon	10
DW	Spoon Yucca	Dasylirion wheeleri	Evergreen Shrub	PLL	3 Gallon	9
IG	Inkberry Holly	Ilex glabra	Evergreen Shrub	PLL	3 Gallon	15
JH	Creeping Juniper	Juniperus horizontalis	Evergreen Shrub	PLL	3 Gallon	3
LV	Privet	Ligustrum vulgare	Evergreen Shrub	PLL	3 Gallon	50
PL	English Laurel	Prunus laurocerasus 'Otto Luyken'	Evergreen Shrub	PLL	3 Gallon	14
PV	Prague Viburnum	Viburnum x pragense	Evergreen Shrub	PLL	3 Gallon	10
RM	Rosebay Rhododendron	Rhododendron maximum	Evergreen Shrub	PLL	3 Gallon	45
RO	Karume Azalea	Rhododendron obtusum	Evergreen Shrub	PLL	3 Gallon	25
Evergreen Shrub: 185						
CC	Bitternut Hickory	Carya cordiformis	Large Deciduous Tree	PLL	2" Caliper	4
CO	Hackberry	Celtis occidentalis	Large Deciduous Tree	PLL	2" Caliper	5
FA	White ash	Fraxinus americana	Large Deciduous Tree	PLL	2" Caliper	5
JZ	Japanese Zelkova	Zelkova Serrata	Large Deciduous Tree	PLL	2" Caliper	1
NS	Black Tupelo	Nyssa sylvatica	Large Deciduous Tree	PLL	2" Caliper	4
RP	Black Locust	Robinia pseudoacacia	Large Deciduous Tree	PLL	2" Caliper	14
TC	Little Leaf Linden	Tilia cordata	Large Deciduous Tree	PLL	2" Caliper	10
QP	Willow Oak	Quercus phellos	Large Deciduous Tree	STP	2" Caliper	8
Large Deciduous Tree: 50						
AA	Serviceberry	Amelanchier arborea	Small Deciduous Tree	BIP	2" Caliper	8
CF	Flowering Dogwood	Cornus Florida	Small Deciduous Tree	BIP	2" Caliper	18
HC	Carolina Silverbell	Halesia Carolina	Small Deciduous Tree	BIP	2" Caliper	9
CP	Washington Hawthorn	Crataegus phaenopyrum	Small Deciduous Tree	PLL	2" Caliper	13
OA	Sourwood	Oxydendrum arboreum	Small Deciduous Tree	PLL	2" Caliper	30
Small Deciduous Tree: 74						
IO	American Holly	Ilex Opaca	Small Evergreen Tree	PLL	2" Caliper	14
PS	White Pine	Pinus Strobus	Small Evergreen Tree	PLL	2" Caliper	3
Small Evergreen Tree: 17						

Franklin School of Innovation
21 Innovation Drive (primary address)
Asheville, NC 28806

Property owner: Franklin School of Innovation
21 Innovation Drive Asheville, NC 28806
(828) 313-8140

Architect: Bryan Mellie, AIA
12 Church Street
Asheville, NC 28801
(828) 273-3057

PIN #: 9637-01-2917
Zoning District: CI-Institutional
Site of Property: 13.68 Acres

Building Setbacks (7-8-2070)(1):
Front: 15 feet
Side: 10 feet
Rear: 10 feet

Building Info: Phase 1 Area: 25,838 sf
Phase 2 Area: 6,800 sf
Total Area: 32,638 sf

Height: 33 feet

Impervious Area:
Building: 57,400 sf
Parking: 111,000 sf
Sidewalk: 12,000 sf
Total: 180,400 sf (1.13 acres, 30% of completing)

Parking Requirements (12-11-2):

Grade	# Classrooms	# Students	Parking Spaces
6th	4	48	8
6th	4	68	8
7th	4	68	8
8th	4	68	8
9th	4	88	28
10th	4	88	28
11th	4	88	28
12th	4	88	28
Total Parking Required		770	149 (Accessible: 7)

Bicycle Parking (8-11-2):
1% of Parking = 7 bicycle spaces

Open Space: Buildings Amenities: 1.57a + 13.68 Acres = 2.052 acres
Provided: 2.17 Acres

Landscape Requirements:

Property Buffers: None Required

Street Tree Requirements: One shadowing tree for every 40' of linear property abutting street
Total required: 318' linear line abutting Sardis Road = 8 large shadowing trees (provided)

Street Buffer Requirements: N/A (Within/Our Urban Area greater than 50 feet from edge of pavement)

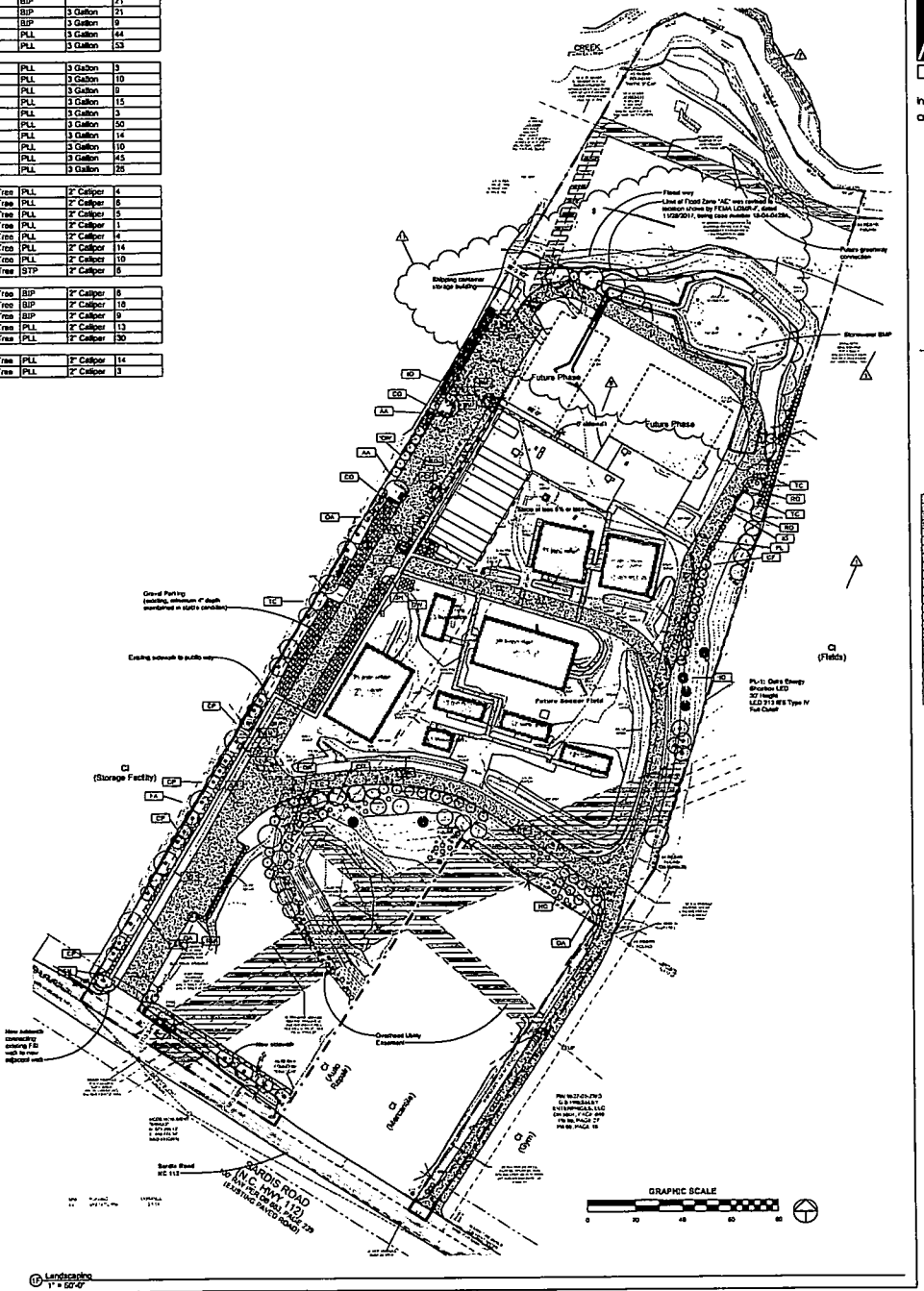
Parking Lot Landscaping: 1 deciduous tree and 4 shrubs for every 1300 sf of vehicular use area
97,400 VUA = 63 deciduous trees and 254 shrubs

Building Impact Landscape Requirements: 1 tree and 2 shrubs per 1000 sf of building footprint
Total required: Building Footprint = 18,138 sf.
Total: 18 trees, 36 shrubs

Total Required:

	PV/CPL/LL	BI	Parking	Total
Trees	63	18	6	135 (63 deciduous, at least 18 Large Shadowing)
Shrubs	525	36		337

1B Development Data (Back-Landscape)
1/8" = 1'-0"



1F Landscaping
1" = 50'-0"

ARCA DESIGN
Inclusive | Innovative | Inspired architecture

12 Church Street, Suite 25
Asheville, NC 28801
873.273.3057
www.arca-design.com

FOR PERMIT & CONSTRUCTION

Civil Engineer
WGLA Engineering, PLLC
(828)367-7177

Structural Engineer
Dave Structural Engineering, PLLC
(828)779-6110

Plumbing, Mechanical, Fire Protection and Electrical Engineer
Coburn Engineering, PA
(828)299-8871

No.	Description	Date
1	Bulletin No. 1	12/18/2018
7	Bulletin No. 7	03/29/2019
9	Bulletin No. 9	05/31/2019
10	Bulletin No. 10	2/4/2020
11	Bulletin No. 11	06/15/2020

Exhibit D
1 of 2

Franklin School of Innovation, Inc.

FSI Phase 1

61 Innovation Drive
Asheville, NC 28806

Landscape Plan

Project number 18210
Date September 28, 2018

L101

Scale As Indicated

[redacted] [redacted] [redacted]

[redacted] [redacted] [redacted]

Flood Action Plan
Franklin School of Innovation
61 Innovation Drive, Asheville, NC 28805

Designated Responsible Individual:	Michelle Youngblood
Emergency Coordinator:	Facilities Director
Lower School Monitor:	Middle School Principal
Upper School Monitor:	High School Principal
Assistants to Physically Challenged:	Middle School Team Lead High School Team Lead
Evacuation Routes:	Refer to listed routes to area

In the event of a predicted high water event (local flooding):
1. Remove all loose items from Flood Hazard Zone, including seating, recreational items, etc.
2. Cause of students are kept away from the Flood Hazard Zone.
3. DO NOT ENTER THE FLOOD HAZARD ZONE IF FLOODING HAS STARTED TO FLOOD.

Flood Action Plan
1/4" = 1'-0"

Existing Leased Art

Address	Name	Area	Received Date
13 Innovation	PE Class	840	June 2023
15 Innovation	2 Classroom	1,488	June 2023
17 Innovation	2 Classroom	1,488	June 2023
19 Innovation	2 Classroom	1,488	June 2023
21 Innovation	ECE McGuffy	7,450	June 2023
23 Innovation	Administration	1,417	June 2023
29 Innovation	Sunshine McGuffy	7,437	June 2023
31 Innovation	3 Classroom	4,280	June 2023
33 Innovation	3 Classroom	4,280	June 2023
	TOTAL	30,168	

New Construction

Address	Name	Area	CO Date	Running Total Project Area
Phase 1A	Admin & Classrooms	30,764	August 2020	61,543
Phase 1B	Multipurpose & Music	3,021	August 2020	64,636
Phase 2	2nd Level Classroom	17,875	June 2023	74,611
Phase 2	Gym	12,725	June 2024	87,348
Phase 2	3 Story Classroom	20,119	August 2025	77,467
	TOTAL	77,467		

Phasing Schedule
1/4" = 1'-0"

Franklin School of Innovation
21 Innovation Drive (pursued address)
Asheville, NC 28806

Property owner: Franklin School of Innovation

Architect: Bryan Uzzle, AIA
12 Church Street
Asheville, NC 28801
(828)273-2020

Parcel: 9627-01-2917
Zoning District: CZ-Institutional
Site Area (Property): 13.68 Acres

Building Setbacks (7-16-150(C)(3)):
Front: 15 feet
Side: 10 feet
Rear: 10 feet

Building Info: Phase 1 Area: 30,168 sf
Phase 2 Area: 47,299 sf
Total Area: 77,467 sf

Impervious Area:
Building: 52,450 sf
Parking: 111,020 sf
Sidewalks: 17,000 sf
Total: 180,470 sf

Parking Requirements (7-11-2):

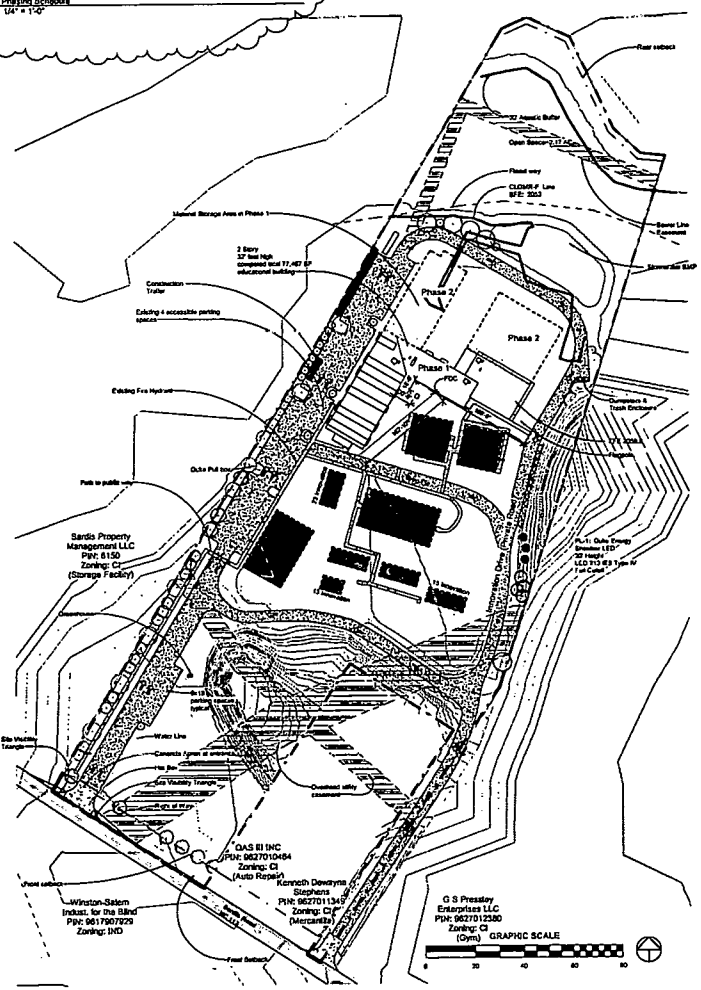
Grade	# Classrooms	# Students	Parking Spaces
6th	4	96	8
7th	4	96	8
8th	4	96	8
9th	4	96	12
10th	4	96	12
11th	4	96	12
12th	4	96	12
Total Parking Required		773	149 (Accessible: 7)

Bicycle Parking (7-11-2):
5% of Parking = 7 bicycle spaces

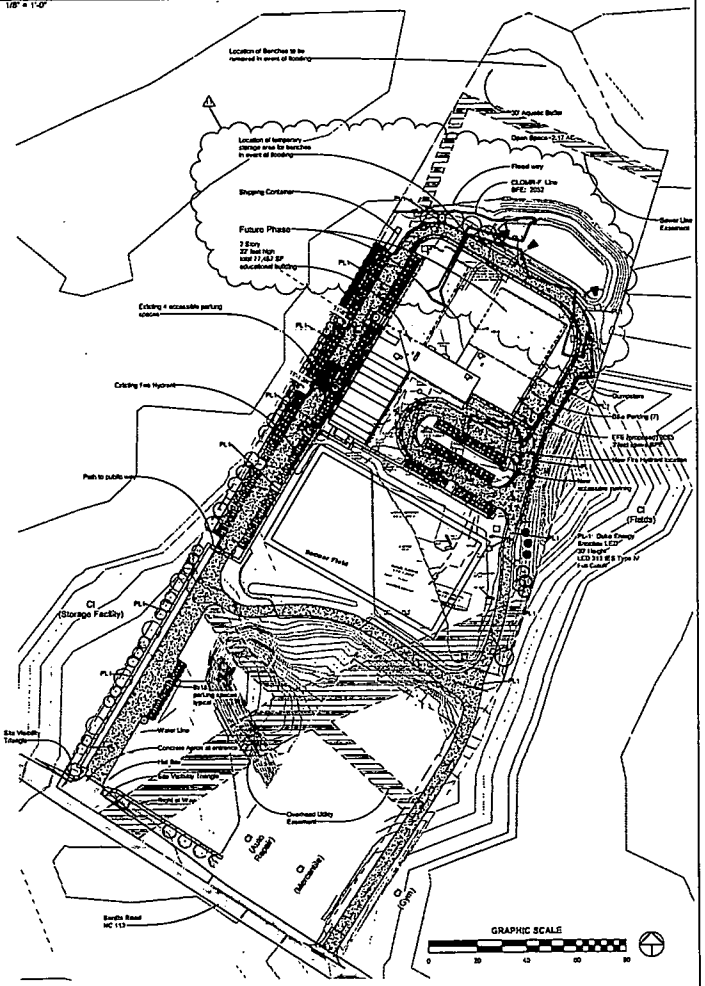
Open Space: Suburban Amenities: 15% * 13.68 Acres = 2.052 acres
Provided: 2.17 Acres

Development Data
1/8" = 1'-0"

Vicinity Map-Construction Staging Plan
12" = 1'-0"



Construction Staging
1" = 60'-0"



Site Compliance Master Plan
1" = 60'-0"

ARCA DESIGN
inclusive | innovative | inspired architecture

12 Church Street, Suite 75
Asheville, NC 28801
877.273.2020
www.arca-design.com

FOR PERMIT & CONSTRUCTION

Civil Engineer
WGLA Engineering, PLLC
(828)687-7177

Structural Engineer
Gues Structural Engineering, PLLC
(828)775-6110

Plumbing, Mechanical, Fire Protection and Electrical Engineer
Gilbert Engineering, PA
(828)250-0071

No.	Description	Date
7	Bulletin No. 7	03/27/2018
10	Bulletin No. 10	3/4/2020
11	Bulletin No. 11	06/15/2020

Franklin School of Innovation, Inc.

FSI Phase 1

61 Innovation Drive
Asheville, NC 28806

Site Compliance and Staging

Project number: 18210
Date: September 28, 2018

L102

Scale: As Indicated

Exhibit D
2 of 2

109

110

ORDINANCE NO. 4819

AN ORDINANCE ADOPTING THE ANNUAL BUDGET AND FIXING THE TAX RATE FOR THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 2020-21

WHEREAS, Article 3 of Chapter 159 of the N.C. General Statutes requires local governments in North Carolina to adopt ordinances establishing an annual budget, in accordance with procedures specified in said Article 3; and

WHEREAS, the Asheville City Council, following a public hearing as required by law has considered the proposed annual budget for the City of Asheville for the 2020-21 fiscal year;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The following anticipated revenues and authorized expenditures by fund, together with a financial plan for internal service funds, are hereby appropriated for operating City government for the fiscal year beginning July 1, 2020 and ending June 30, 2021.

GENERAL FUND	
Revenues:	
Taxes – Ad Valorem	$ 71,397,852
Other Taxes	27,330,684
Intergovernmental Revenue	13,303,886
Licenses and Permits	5,502,450
Sales and Services	11,888,928
Investment Earnings	550,000
Miscellaneous Revenue	3,139,140
Other Financing Sources	1,650,630
Total Revenues	**$ 134,763,570**
Appropriations:	
Administration Services	$ 568,983
Communications & Public Engagement (CAPE)	231,963
Capital Projects	1,336,195
City Attorney	360,186
Community & Economic Development	951,578
Development Services	1,139,336
Equity & Inclusion	158,534
Finance & Management Services	733,243
Fire Department	7,240,159
Human Resources	383,777

Information Technology Services	1,839,169
Parks & Recreation	2,925,975
Planning & Urban Design	373,978
Police Department	7,961,072
Public Works	2,994,802
Transportation	735,123
Non-Departmental	104,829,497
Total Appropriations	**$ 134,763,570**

WATER RESOURCES FUND

Revenues:	
Sales and Services	$ 32,785,312
Investment Earnings	400,000
Miscellaneous Revenue	50,000
Total Revenues	**$ 33,235,312**
Appropriations:	
Water Resources First Quarter Operations	$ 14,119,391
Water Resources 2nd-4th Quarter Operations	19,115,921
Total Appropriations	**$ 33,235,312**

PARKING SERVICES FUND

Revenues:	
Sales and Services	$ 120
Investment Earnings	42,420
Miscellaneous Revenue	6,605,140
Total Revenues	**$ 6,647,680**
Appropriations:	
Parking Services First Quarter Operations	$ 1,900,948
Parking Services 2nd-4th Quarter Operations	4,746,732
Total Appropriations	**$ 6,647,680**

STORMWATER FUND

Revenues:	
Licenses and Permits	$ 398,000
Sales and Services	6,162,069
Investment Earnings	8,773
Miscellaneous Revenue	11,500
Total Revenues	**$ 6,580,342**

Appropriations:	
Stormwater First Quarter Operations	$ 1,692,915
Stormwater 2nd-4th Quarter Operations	4,887,427
Total Appropriations	**$ 6,580,342**

TRANSIT SERVICES FUND

Revenues:	
Intergovernmental Revenue	$ 2,859,045
Licenses and Permits	350,000
Sales and Services	666,500
Other Financing Sources	8,381,108
Total Revenues	**$ 12,256,653**
Appropriations:	
Transit Services First Quarter Operations	$ 11,094,571
Transit Services 2nd-4th Quarter Operations	1,162,082
Total Appropriations	**$ 12,256,653**

HARRAH'S CHEROKEE CENTER ASHEVILLE FUND

Revenues:	
Sales and Services	$ 2,320,350
Investment Earnings	20,000
Miscellaneous Revenue	121,000
Other Financing Sources	1,342,708
Total Revenues	**$ 3,804,058**
Appropriations:	
HCCA First Quarter Operations	$ 1,145,557
HCCA 2nd-4th Quarter Operations	2,658,501
Total Appropriations	**$ 3,804,058**

STREET CUT UTILITY FUND

Revenues:	
Sales and Services	$ 1,777,044
Miscellaneous Revenue	60
Other Financing Sources	100,000
Total Revenues	**$ 1,877,104**
Appropriations:	
Street Cut Utility First Quarter Operations	$ 582,825
Street Cut Utility 2nd-4th Quarter Operations	1,294,279

Total Appropriations	**$ 1,877,104**

HOUSING PARTNERSHIP FUND (GENERAL FUND)

Revenues:	
Sales and Services	$ 2,400
Miscellaneous Revenue	150,000
Other Financing Sources	500,000
Total Revenues	**$ 652,400**
Appropriations:	
Housing Partnership Fund Operations	$ 652,400

SUSTAINABILITY FUND

Revenues:	
Other Financing Sources	$ 769,193
Total Revenues	**$ 769,193**
Appropriations:	
Sustainability Fund First Quarter Operations	$ 534,603
Sustainability Fund 2nd-4th Quarter Operations	234,590
Total Appropriations	**$ 769,193**

INTERNAL SERVICES FUNDS

Revenues:	
Sales and Services	$ 19,897,354
Investment Earnings	59,000
Miscellaneous Revenue	1,245,554
Other Financing Sources	897,067
Total Revenues	**$ 22,098,975**
Appropriations:	
Health Insurance	$ 17,811,778
Workers Compensation	1,656,000
Property and Liability	2,631,197
Total Appropriations	**$ 22,098,975**

CAPITAL 2100 FUND (GENERAL FUND)

Revenues:	
Other Financing Sources	$ 15,287,249
Total Revenues	**$ 15,287,249**

Appropriations:	
Capital 2100 Fund Operations	**$ 15,287,249**

Section 2. All appropriations included in the following Capital Project funds and other multi-year funds are approved for the financing life of each project, which may extend beyond one fiscal year.

GENERAL CAPITAL PROJECTS FUND

Revenues:	
Sales and Services	$ 310,000
Miscellaneous Revenue	535,260
Other Financing Sources	13,292,181
Total Revenues	**$ 14,137,441**
Appropriations:	
General Capital Projects Fund Expenditures	**$ 14,137,441**

WATER CAPITAL PROJECTS FUND

Revenues:	
Transfer from Water Resources Fund	$ 4,260,696
Total Revenues	**$ 4,260,696**
Appropriations:	
Water Capital Fund Expenditures	**$ 4,260,696**

TRANSIT CAPITAL PROJECTS FUND

Revenues:	
Other Financing Sources	$ 873,000
Intergovernmental Revenue	3,833,965
Total Revenues	**$ 4,706,965**
Appropriations:	
Transit Bus Purchases	$ 4,365,000
FTA FY 2019 5307 JARC Appropriations	205,466
FTA FY 2019 5310 Appropriations	136,499
Total Appropriations	**$ 4,706,965**

STORMWATER CAPITAL PROJECTS FUND

Revenues:	
Transfer from Stormwater Fund	$ 350,000
Other Financing Sources	2,064,000

Total Revenues	**$ 2,414,000**
Appropriations:	
Stormwater Capital Fund Expenditures	**$ 2,414,000**
PARKING CAPITAL PROJECTS FUND	
Revenues:	
Transfer from Parking Operating Fund	$ 234,909
Total Revenues	**$ 234,909**
Appropriations:	
Parking Capital Fund Expenditures	**$ 234,909**
HARRAH'S CHEROKEE CENTER CAPITAL PROJECTS FUND	
Revenues:	
Miscellaneous Revenue	$ 500,000
Other Financing Sources	78,047
Total Revenues	**$ 578,047**
Appropriations:	
Harrah's Cherokee Center Capital Fund Expenditures	**$ 578,047**
COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUND	
Revenues:	
Federal Grant FY 2020-21	$ 1,047,092
CDBG COVID-19	615,934
Program Income FY 2020-21	50,000
Program Income FY 2019-20	24,000
Total Revenues	**$ 1,737,026**
Appropriations:	
Fiscal 2020-21 CDBG Program	$ 1,713,026
CDBG COVID-19	615,934
Fiscal 2019-20 CDBG Program	24,000
Total Appropriations	**$ 1,737,026**
HOME OWNERSHIP GRANT (HOME) FUND	
Revenues:	
Federal Grant FY 2020-21	$ 1,335,301
Program Income FY 2020-21	19,586
Program Income FY 2019-20	23,127

Total Revenues	**$ 1,378,014**
Appropriations:	
Fiscal 2020-21 HOME Program	$ 1,354,887
Fiscal 2019-20 HOME Program	23,127
Total Appropriations	**$ 1,378,014**
SPECIAL REVENUE FUND	
Revenues:	
Intergovernmental Revenue	$ 410,000
Total Revenues	**$ 410,000**
Appropriations:	
Parks Community Nutrition Grant	$ 80,000
Continuum of Care Grant (HMIS)	67,500
Continuum of Care Grant (Planning)	52,500
Emergency Solution Grant (ESG)	180,000
PEG Funding	30,000
Total Appropriations	**$ 410,000**

Section 3. It is estimated that revenues in the amounts indicated in the foregoing schedule will be available to support the foregoing appropriations. The fees & charges shall be set forth in a Fees and Charges Manual to be kept on file in the Office of the City Clerk.

Section 4. There is hereby levied for the fiscal year ending June 30, 2021, an Ad Valorem tax rate of $0.4289 per $100 assessed valuation of taxable property as listed on January 1, 2020 for purposes of raising the revenues from current year's property tax as set forth in the foregoing estimates of revenues and in order to finance the foregoing appropriations.

Section 5. The City Manager is authorized to revise the budget by transfer of appropriations within each fund. All amendments affecting revenues or total fund appropriations shall be approved by ordinance by the City Council, to be acted on at any regular or special meeting and approved by a simple majority of those present and voting, a quorum being present. Only one reading will be required and a public hearing or publication of notice is not necessary unless requested by Council.

Section 6. The reserve for encumbrances at June 30, 2020 and carry-over appropriations, representing prior commitments as of that date shall be re-appropriated pursuant to North Carolina General Statute §159-13, to the departments within various funds, under which expenditures may be made during fiscal year 2020-21 as the previous commitments are satisfied.

Section 7. Copies of this ordinance shall be furnished to the City Manager and Director of Finance, to be kept on file by them for their direction in the collection of revenues and expenditures of amounts appropriated.

Section 8. The Pay & Classification Plan is amended to incorporate all personnel actions such as reclassifications and pay modifications recommended by the Human Resources department and approved by the City Manager. Funding for the Plan and compensation items is included in the various departments.

Section 9. Base pay for the Mayor, Vice-Mayor and Councilmembers will be $22,898, $19,003, and $16,823, respectively. Travel for official activities will be reimbursed under the same plan used for City employees.

Section 10. Should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of said ordinance shall not be affected thereby.

Section 11. That this ordinance shall be in full force and effect upon date of final passage.

Read, approved and adopted this 30th day of July, 2020.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

118

ORDINANCE NO. 4820

AN ORDINANCE AMENDING ARTICLE II, DIVISION 1, SECTIONS 23 AND 24 OF APPENDIX C OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE

WHEREAS the City of Asheville has the authority under N.C. Gen. Stat. § 20-141 to regulate speed limits within its corporate limits; and

WHEREAS the City Council has determined that the speed limit for Balm Grove Place, Georgia Street, London Road, Westview Road, and Windswept Drive should be set at twenty miles per hour; and

WHEREAS the City Council has determined that the speed limit for Alabama Avenue, Baker Avenue, Bideford Row, Blake Mountain Circle, Blakewood Court, Clay Street, Clovelly Way, Deanwood Circle, Forest Lake Drive, Forestdale Drive, Galloway Drive, Glen Woods Court, Goldfinch Lane, Griffing Circle, Indiana Avenue, Innsbrook Road, Kingbird Lane, Long Street, Maplewood Parkway, Maplewood Road, Martin Avenue, Meadow Lake Road, Melody Lane, North Liberty Street, Northview Street, Northwood Road, Oak Hill Circle, Oak Hill Drive, Oakwilde Drive, Rock Hill Road Extension, South Liberty Street, Sawmill Road, Simpson Hollow Road, Sumner Place, Tiverton Lane, Woodcrest Place, and Woodcrest Road should be set at twenty five miles per hour; and

WHEREAS the City Council has determined that the speed limit for Ralph Street should be set at thirty miles per hour; and

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

Section 1: That Article II, Division I, Section 25 (b) of Appendix C of the Code of Ordinances of the City of Asheville (Speed Limits – Thirty miles per hour, City system) be amended to remove:

Deanwood Circle, in its entirety

Forestdale Drive, in its entirety

Section 2: That Article II, Division I, Section 24 (b) of Appendix C of the Code of Ordinances of the City of Asheville (Speed Limits – Twenty Five miles per hour, City system) be amended to remove:

Oak Hill Road, between Hazel Mill Road and Leicester Road

Oakwilde Drive, from Briarcliff Drive to a point 650 feet west of Stancliff Drive

Windswept Drive, from College Street to Alexander Drive

Section 3: That Article II, Division I, Section 23 (b) of Appendix C of the Code of Ordinances of the City of Asheville (Speed Limits – Twenty miles per hour, City system) be amended to remove:

London Road, between Sweeten Creek Road (U.S. 25) and Bellview Road

Section 4: That Article II, Division I, Section 23 (b) of Appendix C of the Code of Ordinances of the City of Asheville (Speed Limits – Twenty miles per hour, City system) be amended to include:

Balm Grove Place, from Balm Grove Avenue to Martin Avenue

Georgia Street, from Craven Street to Reynolds Road

London Road, from US 25 (Sweeten Creek Road) to Belvedere Road

Westview Road, from NC 694 (Town Mountain Road) to Oak Park Road

Windswept Drive, from College Street to Alexander Drive

Section 5: That Article II, Division I, Section 24 (b) of Appendix C of the Code of Ordinances of the City of Asheville (Speed Limits – Twenty Five miles per hour, City system) be amended to include:

Alabama Avenue, from Hanover Street to Swannanoa Avenue

Baker Avenue, from US 19-23 Business (Haywood Road) to Burton Street

Bideford Row, from a point 725 feet north of Tiverton Lane to a point 500 feet south of Tiverton Lane

Blake Mountain Circle, from Galloway Drive to a point 400 feet east of Galloway Drive

Blakewood Court, from Galloway Drive to a point 250 feet north of Galloway Drive

Clay Street, from Kendall Street to Baker Avenue

Clovelly Way, from US 25 (Hendersonville Rd) to a point 340 feet north of Tiverton Lane

Deanwood Circle, from US 25 (Hendersonville Rd) to a point 660 feet east of Caribou Road

Forest Lake Drive, from Rock Hill Road to Forest Lake Drive

Forestdale Drive, from US 25 (Hendersonville Rd) to a point 665 feet east of Caribou Road

Galloway Drive, from Westridge Drive to a point 680 feet south of Blake Mountain Circle

Glen Woods Court, from Forest Lake Drive to a point 230 feet east of Forest Lake Drive

Goldfinch Lane, from Forest Lake Drive to a point 150 feet east of Forest Lake Drive

Griffing Circle, from Maplewood Road to South Griffing Boulevard

Indiana Avenue, from Hanover Street to Swannanoa Avenue

Innsbrook Road, from Grovewood Road to Old Toll Road

Kingbird Lane, from Forest Lake Drive to a point 160 feet south of Forest Lake Drive

Long Street, from East Larchmont Road to Edgewood Road

Maplewood Parkway, from Maplewood Road to Northwood Road

Maplewood Road, from South Griffing Boulevard to Grovewood Road

Martin Avenue, from US 19-23 Business (Haywood Road) to Clay Street

Meadow Lake Road, from Forest Lake Drive to a point 960 feet south of Forest Lake Drive

Melody Lane, from Fairview Road to a point 990 feet north of Fairview Road

North Liberty Street, from East Chestnut Street to Hillside Street

Northview Street, from West Street to Forsythe Street

Northwood Road, from Woodcrest Road to a point 480 feet north of Maplewood Parkway

Oak Hill Circle, from Oak Hill Drive to Oak Hill Drive

Oak Hill Drive, from NC 63 (New Leicester Highway) to Hazel Mill Road

Oakwilde Drive, from Briarcliff Drive to a point 650 feet east of Stancliff Drive

Rock Hill Road Extension, from Rock Hill Road to Miller Lane

South Liberty Street, from East Chestnut Street to Elm Street

Sawmill Road, from Forest Lake Drive to a point 360 feet south of Forest Lake Drive

Simpson Hollow Road, from Forest Lake Drive to a point 600 feet north of Forest Lake Drive

Sumner Place, from Grovewood Road to Grovewood Road

Tiverton Lane, from Clovelly Way to a point 225 feet north of Bideford Row

Woodcrest Place, from Woodcrest Road to a point 170 feet west of Woodcrest Road

Woodcrest Road, from Maplewood Parkway to Old Toll Road

Section 6: That Article II, Division I, Section 25 (b) of Appendix C of the Code of Ordinances of the City of Asheville (Speed Limits – Thirty miles per hour, City system) be amended to include:

Ralph Street, from Bartlett Street to South French Broad Avenue

Section 7: That all Ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed.

Section 8: That this Ordinance shall be in full force and effect upon adoption by the City of Asheville and the erection of signs giving notice of the authorized speed limit.

Read, approved and adopted this 25th day of August, 2020.

Magdalen Burleson
City Clerk

Esther G. Manheimer
Mayor

Approved as to form:

CITY ATTORNEY

Magdalen Burleson
City Clerk

ORDINANCE NO. 4821

AN ORDINANCE AMENDING ARTICLE I, SECT ON 1 OF APPENDIX "C" OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE

WHEREAS, pursuant to N.C. Gen. Stat. § 160A-296(a) the City has general authority and control over all public streets, sidewalks, alleys, bridges, and other ways of public passage within its corporate limits; and

WHEREAS, the City has the authority pursuant to N.C. Gen. Stat. § 160A-300 to prohibit, regulate, divert, control, and limit pedestrian or vehicular traffic upon the public streets, sidewalks, alleys, and bridges of the city;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

Section 1: That Article I, Section 1 of Appendix C of the Code of Ordinances of the City of Asheville (Truck Traffic Prohibited on Residential Streets) be amended to include the following street:

Davenport Place, from Davenport Road to Vermont Court

Davenport Road, from Vermont Avenue to Davenport Place

Enka Orchard Street, NC 112 (Sand Hill Road) to Enka Pine Street

Keith Drive, Bingham Road to a point 800 feet northeast of Bingham Rd

Oak Hill Drive, from NC 63 (New Leicester Highway) to Hazel Mill Road

Vermont Court, from Davenport Place to Vermont Avenue

Section 2: That all Ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed.

Section 3: That this Ordinance shall be in full force and effect upon adoption by the City Council of the City of Asheville and the erection of signs giving notice of the truck prohibition.

Read, approved and adopted this 25th day of August, 2020.

Magdalen Bouleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bouleson
City Clerk

122

ORDINANCE NO. 4822

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Fiscal Year 2020-21 Budget Ordinance be amended to budget $1,063,224 in Coronavirus Relief Fund (CRF) funding in the City's Special Revenue Fund as follows:

SPECIAL REVENUE FUND

Revenues:

Intergovernmental Revenue	$1,063,224
Total Revenues	$1,063,224

Appropriations:

Various Expenses	$1,063,224
Total Appropriations	$1,063,224

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 8th day of September, 2020.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

ORDINANCE NO. 4823

ORDINANCE AMENDING ZONING FOR ALL PROPERTIES LOCATED WITHIN THE CITY OF ASHEVILLE CORPORATE LIMITS

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, North Carolina Session Law 1985-556 titled "AN ACT AS TO THE CITIES OF ASHEVILLE AND RALEIGH CONCERNING TREE REGULATION AND TO ALLOW THEM TO EXERCISE EMINENT DOMAIN POWERS FOR OPEN SPACE" authorizes the City of Asheville to, "Preserve, protect and enhance" trees and other plantings in "resource management zoning districts"; and

WHEREAS, this proposed amendment is consistent with the *Living Asheville - A Comprehensive Plan for our Future* and is determined to be reasonable, and in the public interest for the following reasons:

1. Preserves and enhances the urban tree canopy;
2. Protects land and water assets by applying protection standards more broadly; and
3. Builds climate resilience by reducing risk and vulnerability to flooding, erosion and landslides.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

The current official zoning maps of the City of Asheville for the planning and regulation jurisdiction of the City of Asheville be amended to add a new resource management overlay zoning district. A copy of the official zoning map showing said areas is attached hereto as Exhibit "A1" and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed, to the extent of such conflict.

Section 5. The ordinances shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 6. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 8th day of September, 2020.

Magdalen Burleson
City Clerk

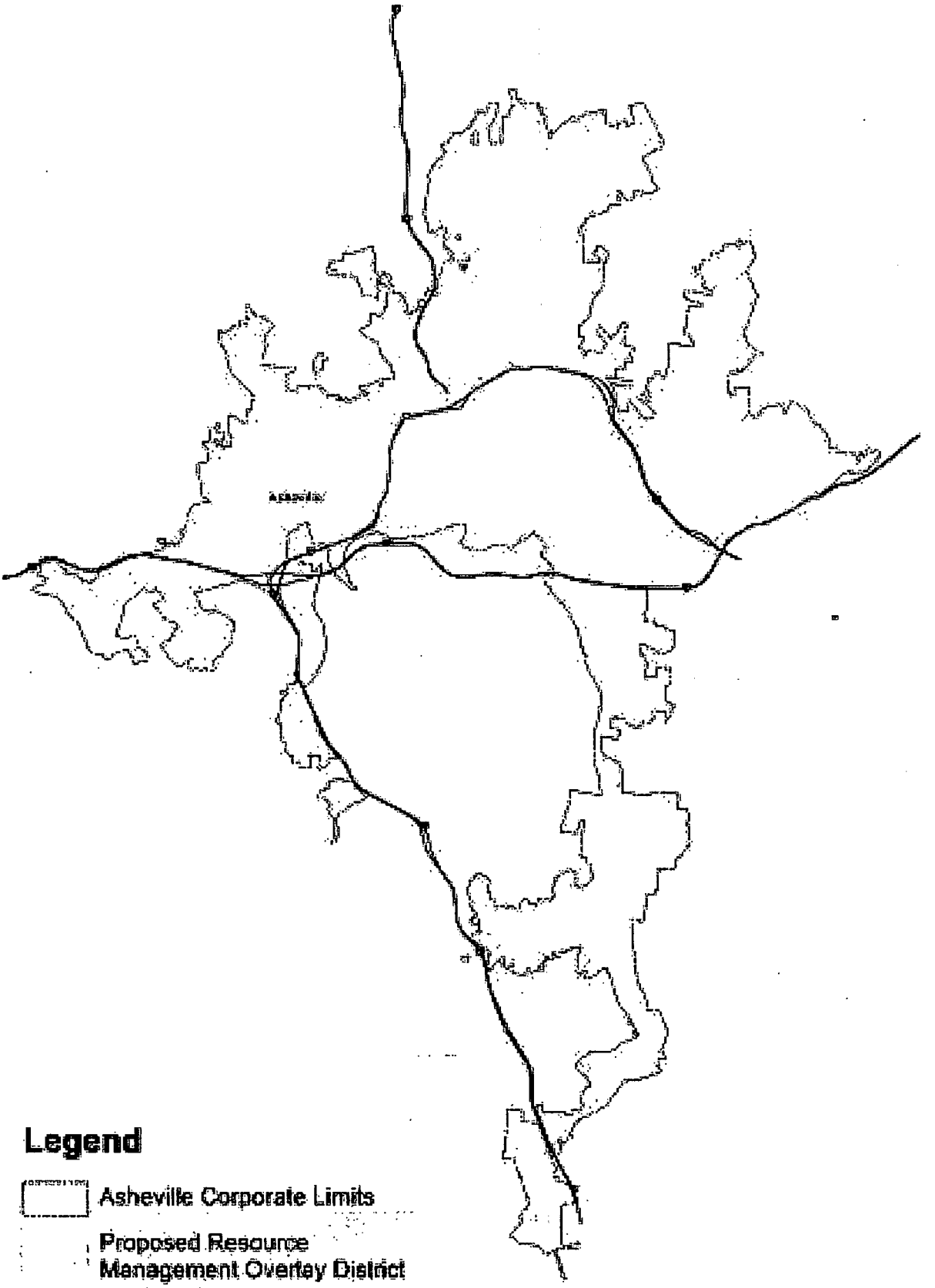
Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

City of Asheville
Exhibit A1 - Proposed Zoning Map
Resource Management Overlay District



126

ORDINANCE NO. 4824

ORDINANCE AMENDING CHAPTER 7 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE TO ESTABLISH TREE CANOPY PRESERVATION STANDARDS

WHEREAS, the City's Comprehensive Plan encourages development that minimizes or mitigates environmental impacts and safeguards the health and comfort of the community; and

WHEREAS, the City of Asheville recognizes that trees are one of its most valuable natural resources; and

WHEREAS, the City commissioned Davey Resource Group to perform a study of the City's urban tree canopy; and

WHEREAS, the October 23, 2019 study by Davey Resource Group found that, during the ten-year period from 2008 to 2018, the City of Asheville's lost 891 acres of tree canopy, representing a 6.4% reduction in the City's tree canopy;

WHEREAS, the Davey Resource Group Study concludes that the City of Asheville has suffered measurable increases in airborne pollutants and damaging stormwater runoff as a result of its loss of tree canopy; and

WHEREAS, the National Aeronautics and Space Administration's DEVELOP program subsequently conducted a study comparing the areas of canopy loss within the City of Asheville to land surface temperature data collected by NASA's Landsat 5 Thematic Mapper and Landsat 8 Operational Land Imager; and

WHEREAS, the NASA DEVELOP study found a high level of correlation between the loss of tree canopy and increased land surface temperatures; and

WHEREAS, the heat islands created by canopy loss pose serious threats to the health, safety, and welfare of the communities that live within them; and

WHEREAS, pursuant to N.C. Gen. Stat. § 160A-381(a) the City is authorized to adopt zoning ordinances for the purpose of promoting the health, safety, or general welfare of the community; and

WHEREAS, pursuant to Session Law 1985-556, the City is authorized to "enact and enforce ordinances to regulate the planting, maintenance, removal, replacement, grading, and preservation on public and private property" within resource management districts, and

WHEREAS, in order to protect the health, safety, and welfare of its citizens, the City determines that it is necessary to regulate the removal of trees within the City of Asheville, and

WHEREAS, this revision aligns with the City Council goals to update the Unified Development Ordinances in order to reflect recommendations in the Comprehensive Plan; and

WHEREAS, this Ordinance is determined to be reasonable, in the public interest, and is

consistent with the Comprehensive Plan in the following ways:

1. Preserves and enhances the urban tree canopy creating a more comfortable environment;
2. Protects land and water assets improving the health of the community; and
3. Builds climate resilience by reducing risk and vulnerability to flooding, erosion and landslides.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1: Chapter 7 of the Code of Ordinances of the City of Asheville is hereby amended as follows:

a. Amend section 7-2-5 by adding the following definitions to be inserted alphabetically:

Resource Management Overlay Districts. The Downtown/CBD, Urban, and Suburban Resource Management Overlay Districts shall be comprised of the following future land use districts:

Downtown/ CBD: Downtown
Urban: Neighborhood Centers, Town Center, Traditional Corridor, Traditional Neighborhood, Urban Center, Urban Corridor
Suburban: Employment/Anchor Institution, Parks and Open Spaces, Regional Corridor, Industrial / Manufacturing, Residential Neighborhood

Canopy Requirement (CR): Means the defined tree canopy area that must be preserved or installed expressed as a percentage of the gross site area (GSA). The formula to obtain the quantitative requirement is GSA (square feet) x CR (Decimal Percentage) = Canopy Requirement (Square Feet).

Diameter at Breast Height (DBH). Means a measure tree caliper used in this ordinance and expressed in inches. DBH is measured at 4'6" above the ground for existing trees and at 6" above the ground for newly planted trees.

Large Tree Species. Means those species identified as Large in the preferred species list.

Medium Tree Species. Means those species identified as Medium in the preferred species list.

Small Tree Species. Means those species identified as Small in the preferred species list.

Tree Canopy Protection Area (TCPA). Means the area of tree canopy required by this Section to be preserved or planted and maintained during and after all construction activities. TCPA shall include the critical root zone of the trees within.

b. Amend Article IX by replacing Sec. 7-9-1 [Reserved] with:

Sec. 7-9-1. - Resource Management Overlay District.

(a) *Purpose.* The Resource Management Overlay District is established to regulate the planting and preservation of trees during development activities.

c. Amend Article XI by removing Section 7-11-3(d) as follows:
(d)Standards. Landscape requirements are broken down in the following categories:

a.Property line buffer — Landscaping along property lines separating different zoning districts.
b.Street buffer — Landscaping along street rights-of-way between parking areas and pedestrian zones.
c.Street trees — Shade trees planted along street frontages to improve the pedestrian environment and enhance the urban streetscape.
d. Parking lot landscaping — Landscaping in and around vehicular use areas.
e. Building impact landscaping — Landscaping used to enhance the site.
f. Screening — Landscaping around utility use, outdoor storage, and loading areas.

d. Amend Article XI by removing Section 7-11-3(d)g (Tree Save Areas) in its entirety.

e. Amend Article XI by removing a reference to appendix 7-C and changing approval authority from Section 7-11-3(f) as follows:

a.Recommended plant species. Plants may be chosen from the recommended plant species list *as maintained by the City*. Specific riparian species, as identified in the recommended species list, trees and shrubs for damp sites and river districts, shall be required for developments located within the 100-year flood plain. The list encourages the use of plant materials which are indigenous to this region and are readily available from local nurseries. Plant materials which are not on the list may also be used following approval from the *director of Development Services or designee*.

f. Amend Article XI, Section 7-11-3(f)2 to include a statement on the maintenance of required street trees as follows:

The owner or lessee of the property where landscaping is required shall be responsible for the maintenance and protection of all required and preserved plant and screening material. Landscaped areas shall be maintained in good condition and kept free of debris. When street trees planted to satisfy the requirements of 7-11-3(d)(3) are located in the public right of way, they shall be maintained by the owner of the property that originally installed said street trees for a period of two years after planting.

g. Amend Article 12, Section 7-12-2(e)2(d) to disallow grading a site without an approved development plan as follows:

d. *Grading without an approved development plan:* Land disturbance without an approved development plan, defined as the grading *(including mass tree removal)* of a site for which no development plan has been approved, *shall not be permitted.*

h. Amend Chapter 7 by adding a new Article XIX as follows:

ARTICLE XIX. - TREE CANOPY PRESERVATION.

7-19-1 APPLICABILITY

The requirements of this Article shall apply to any of the following development activities:

A. Single Family Residential
   1. Any major or minor subdivision of land
   2. Removal of trees within any steep slope zone or an aquatic buffer.
B. Multifamily Residential & Non-Residential
   1. Any major or minor subdivision of land
   2. New building construction
   3. New open uses of land
   4. Expansion of existing buildings by over 1,500 square feet
   5. Expansion of open uses of land by over 3,000 square feet

7-19-2 TREE CANOPY PRESERVATION REQUIREMENTS

A. The tree canopy on a development site shall meet the applicable standards according to the site's Resource Management Overlay District, proposed land use, and the amount of tree canopy preservation, as set forth in Tables 7-19.1, 7-19.2 and 7-19.3 below. (Percentages refer to the relation of tree canopy requirement to gross site area in square feet.)

B. Residential subdivisions and multi-lot commercial developments may group trees in clusters throughout the development rather than meeting the canopy requirements on a lot-by-lot basis.

C. Trees preserved to satisfy the planting requirements of Section 7-11-3 shall be permitted to satisfy the requirements of this section when such trees are existing wholly on the property and not within the public right-of-way.

D. All trees used to meet requirements must be healthy, non-hazardous and non-invasive.

E. Areas designated as Tree Canopy Protection Areas shall remain as such in perpetuity. Tree removal shall be prohibited in these areas unless otherwise permitted.

F. Excluded Areas: Tree Canopy Protection Areas shall not include any of the following:

1. Drainage Easements
2. Cross Access Easements
3. Governmental and Utility Easements That Prohibit Trees
4. Any Easement Authorizing Tree Disturbing Activities
5. Areas devoted to future transportation (including greenways) and / or stormwater infrastructure.

G. No structures or improvements are permitted to be installed within designated Tree Canopy Preservation Areas.

Table 7-19.1 | Tree Canopy Requirement Classification

Land Use	Resource Management District		
	Downtown	**Urban**	**Suburban**
Residential Subdivision	Class A	Class C	Class C
Multi-Family & Office	Class A	Class B	Class C
Institutional	Class A	Class C	Class C
Commercial	Class A	Class B	Class C
Industrial	Class A	Class B	Class C

Table 7-19.2 | Class Based Canopy Requirement, Classes A & B*			
Canopy Requirement Class	**Existing Tree Canopy Preserved**	**New Tree Canopy Installation Required**	**Total Tree Canopy Required**
Class A	5%	0%	5%
	4%	2%	6%
	3%	4%	7%
	2%	6%	8%
	1%	8%	9%
	0%	10%	10%
Class B	10%	0%	10%
	8%	3%	11%
	6%	6%	12%
	4%	9%	13%
	2%	12%	14%
	0%	15%	15%

*Percentages not shown on this table are rounded down to the nearest whole entry.

Table 7-19.3 | Class Based Canopy Requirement, Class C***			
Canopy Requirement Class	**Existing Tree Canopy Preservation Requirement**	**New Tree Canopy Installation Requirement**	**Total Tree Canopy Requirement**
Class C, Sites with 76-100%	15%	0%	15%

existing canopy coverage	12%	6%	18%
	9%	12%	21%
	6%	18%	24%
	3%	24%	27%
	0%	30%	30%
Class C, Sites with 41-75% existing canopy coverage	15%	0%	15%
	12%	5%	17%
	9%	10%	19%
	6%	15%	21%
	3%	20%	23%
	0%	25%	25%
Class C, Sites with 0%-40% existing canopy coverage	15%	0%	15%
	12%	4%	16%
	9%	8%	17%
	6%	12%	18%
	3%	16%	19%
	0%**	20%	20%**

***Percentages not shown on this table are rounded down to the nearest whole entry.

7-19-3 CALCULATION OF TREE CANOPY AREA

A. Any development site greater than two acres in size shall be permitted to determine the area of existing tree canopy coverage to be preserved by ground checking or aerial analysis according to the most recent data provided by the city. Tree canopy calculated by aerial analysis shall be limited to that within the boundary of the subject property. If ground checking is utilized, credit for existing trees intended to be retained may be calculated in either of two ways:

1. Measurement of the trunk of each individual tree (i.e. a tree not grouped with other trees or a part of a tree stand) to determine its DBH and the credit given for that tree shall be in accordance with Table 7-19.4, below; or
2. The dripline may be plotted on the site plan and tree canopy credit given for the square footage of the site within the dripline.

B. For any development site two acres or less in size the area of tree canopy coverage for any group of trees to be retained in order to meet the tree canopy requirements of this Part shall be determined by ground checking. Credit for existing trees intended to be retained may be calculated in either of two ways:

1. Measurement of the trunk to determine its caliper and the credit given for that tree shall be in accordance with Table 7-19.4, below; or

2. The dripline may be plotted on the site plan and tree canopy credit given for the square footage of the site within the dripline.

C. Trees planted within one (1) calendar year of the date of development application shall not be included in the calculation of existing tree canopy.

D. The calculation must be conducted and certified by a land surveyor, civil engineer, landscape architect licensed by the State of North Carolina or Arborist certified by the International Society of Arboriculture.

Table 7-19.4 | Tree Canopy Credit for Preserved Trees

DBH	Size Classification*	Canopy Credit
Over 10 inches	Large	1,600 sq ft
	Medium	900 sq ft
	Small	400 sq ft
3 inches to 9 inches	Large	960 sq ft
	Medium	576 sq ft
	Small	142 sq ft
1 ¾ inches to less than 3 inches	Large	720 sq ft

	Medium	432 sq ft
	Small	106 sq ft

As found in recommended species list

Table 7-19.5 | Tree Canopy Credit for Newly Installed Trees	
Size Classification*	**Canopy Credit**
Large	560 sq ft
Medium	315 sq ft
Small	140 sq ft

As found in recommended species list

7-19-4 DOCUMENTATION AND PLAN REVIEW

A. Tree Canopy Protection Plan
   1. The Tree Canopy Protection Plan shall be drawn on a separate plan sheet in addition to all other required submissions.
   2. The Tree Canopy Protection Plan shall show all designated Tree Canopy Protection Areas and shall identify the total site acreage as well as the protected tree canopy percentage.
   3. The Tree Canopy Protection Plan shall show all trees on the development site.
      a) If ground checking is utilized to calculate the tree canopy area, trees shown on the plan shall be labeled as to their diameter at breast height and species.
      b) If aerial analysis is utilized to calculate the tree canopy area, tree canopy area shall be shown, labeled and described on the plan.
   4. Plans shall display the following required note: Areas designated as Tree Canopy Protection Areas shall remain as such in perpetuity. Tree removal shall be prohibited in these areas unless otherwise permitted.
   5. The Approved Tree Canopy Protection Plan must be recorded with the Buncombe County Register of Deeds.
   6. A copy of the recorded Tree Canopy Protection Plan shall be provided to the City prior to the issuance of the Certificate of Occupancy or Certificate of Compliance.

B. All Plats for Affected Properties:

1. TCPA shall be shown on all subdivision final plats
2. Plats shall display the following required note: Areas designated as Tree Canopy Protection Areas shall remain as such in perpetuity. Tree removal shall be prohibited in these areas unless otherwise permitted.

7-19-5 PAYMENT IN LIEU OF COMPLIANCE

A. Payment may be made in lieu of compliance to fulfill the New Tree Canopy Installation requirements for a site as found in table 7-19.2 and 7-19.3.
B. Payments in lieu of compliance received in relation to properties within a given Resource Management Overlay District shall be used to acquire land and plant or preserve trees within that same Resource Management Overlay District.
C. Exclusions: Payment in lieu of compliance shall not be accepted for:
    1. Areas containing aquatic buffers.
    2. Areas defined as steep slope zone A or B as defined by Section 7-12-4.
D. Calculation of Payment Amounts.
    1. The payment amount in lieu of planting shall be based on values listed in the current year fees and charges manual.

7-19-6 PERMITTING

A. Tree Removal Permits
    1. A permit shall be required for the following activities
        a) The removal of any trees on properties within any Steep Slope Zone or an Aquatic Buffer
        b) The removal of any tree within an established Tree Canopy Protection Area.

    2. Fees
        a) Fees for Tree Removal Permit applications shall be established and listed in the current year fees and charges manual.
B. Application Requirements:
    1. The applicant for a Tree Removal Permit shall supply, at a minimum:
        a) A photo of the tree to be removed;
        b) A site plan showing the location of the tree to be removed;
        c) Copies of any site plans showing required Tree Canopy Preservation Area;
        d) A letter from a certified arborist recommending removal of the tree and the facts supporting that recommendation. Reasons may include but are not limited to:
            (1) Trees that are dead, diseased or dying; or
            (2) Trees that pose a threat to life or property safety.

e) A replanting plan showing the installation of tree canopy equivalent to that being removed as defined by Table 7-19.4.

2. Staff shall either approve or deny the application within 10 business days.

C. Appeals

1. Appeals of staff decisions will be conducted as detailed in Section 7-6-2.

7-19-7 ENFORCEMENT

1. Violations of this Article shall be enforced as specified in Article 18 of this chapter.
2. A violation of Section 7-19-3(4) shall be subject to a civil penalty in the amount specified in Appendix B
3. Remediation-Replanting in addition to fines
   a) In addition to any fines assessed, the violator shall install a new tree or trees with a canopy area equivalent to that which was removed as defined by Table 7-19.4.

Section 2: If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 3: All ordinances or parts of ordinances in conflict are hereby repealed to the extent of such conflict.

Section 4: This ordinance will become effective upon adoption.

Read, approved, and adopted this 8th of September, 2020.

Magdalen Bunleson
City Clerk

Esther E. Manz
Mayor

Approved as to form:

City Attorney

Magdalen Bunleson
City Clerk

ORDINANCE NC. 4825

ORDINANCE AMENDING THE FISCAL YEAR 2020-2021 FEES & CHARGES

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The changes below to the Fiscal Year 2020-21 fees and charges, are hereby adopted.

	Current Fee	Proposed New Fee
Fee-In-Lieu for Tree Removal - Land, Admin, and Installation - Downtown	$0.00	$31.44
Fee-In-Lieu for Tree Removal - Land, Admin, and Installation - Urban	$0.00	$5.42
Fee-In-Lieu for Tree Removal - Land, Admin, and Installation - Suburban	$0.00	$4.54
Tree Removal	$0.00	$100.00

That this ordinance shall be in full force and effective adoption.

Read, approved and adopted this 8th day of September, 2020.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

ORDINANCE NO. 4826

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Fiscal Year 2020-21 Budget Ordinance be amended to provide an appropriation of $5,000.00 to accept a State grant from the Governor's Highway Safety Program, BikeSafe NC 2021, Year 2 Grant as follows:

SPECIAL REVENUE FUND

Revenues:

Federal Grants	$5,000.00
Total Revenues	$5,000.00

Appropriations:

Training	$5,000.00
Total Appropriations	$5,000.00

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 22nd day of September, 2020.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

ORDINANCE NO. 4827

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Fiscal Year 2020-21 Budget Ordinance be amended to provide an appropriation of $45,029 as a combination of funding from the FEMA Fire Prevention & Safety Grant and City funds as follows:

SPECIAL REVENUE FUND

Revenues:

Restricted Intergovernmental Federal Grants	$42,884.00
Transfer from General Fund	$2,145.00
Total Revenues	$45,029.00

Appropriations:

Supplies - Other	$45,029.00
Total Appropriations	$45,029.00

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 22nd day of September, 2020.

Magdalen Burleson
City Clerk

Edwin C. Marle
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

140

ORDINANCE NO. 4828

ORDINANCE EXTENDING THE TEMPORARY MORATORIUM ON NEW HOTEL DEVELOPMENT

WHEREAS, North Carolina General Statute 160A-381(e) authorizes cities to adopt a temporary moratorium on development approvals of reasonable duration to allow for development of regulations for a particular use and to extend the moratorium if new facts or conditions warrant an extension; and

WHEREAS, on September 24, 2019, the City Council of the City of Asheville adopted Ordinance No. 4766, establishing a temporary moratorium on new hotel development until September 24, 2020; and

WHEREAS, while the City was able to accomplish many of the actions proposed to be taken to address the problems or conditions leading to the imposition of the moratorium as outlined in Section 2. (4) of Ordinance No. 4766, the City's ability to complete those proposed actions, including but not limited to, the ability to have necessary public stakeholder or governing board and commission meetings, within the original time period set for the moratorium, has been significantly impaired by the COVID-19 pandemic and the Emergency Declarations made at the State and Local level and related restrictions imposed to ensure the public health and safety; and

WHEREAS, the City requires more time to complete the actions proposed to address the issues and concerns related to new hotel development;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The temporary moratorium imposed by Ordinance No. 4766 which commenced on September 24, 2019 and was set to expire no later than September 24, 2020, is hereby extended by five months to February 23, 2021. This extension is warranted by the extraordinary fact that the entire nation is experiencing the COVID-19 pandemic and the resulting emergency declarations and public health restrictions imposed by both the State of North Carolina and the local government have impaired the City's ability to complete the actions originally proposed to address the concerns related to new hotel development.

Section 2. In compliance with the requirements of North Carolina General Statute 160A-381(e), the following statements are included in this ordinance:

(1) The problems or conditions necessitating the moratorium are that the City has experienced an influx of new hotel applications over the past few years. Since 2015, 1,344 hotel rooms have opened in the City out of 2,761 total rooms that have been approved. Of that, approximately 39% have been approved in the Central Business District. In 2017, Buncombe

County attracted 11.1 million visitors, including 3.9 million overnight guests. The Living Asheville Comprehensive Plan Assessment Report (Appendix A) further notes that Accomodation and Food Service, which includes lodging, is a key industry sector in the City with a location quotient higher than the national average. Community members, City staff and City Council have expressed concerns about the impact of new hotel development, such as the clustering of hotels in downtown and the number that have been built and are currently in the pipeline; the quality of development including design; lower than average wages; displacement of certain uses; impacts of adjoining property values; impacts to City infrastructure and services; and, new hotel development not addressing other development needs, such as affordable housing and office uses. The City currently lacks concrete policies, strategies and tools to effectively manage or regulate these uses. The lack of direction in the Asheville City Code and Living Asheville Comprehensive Plan results in uncertainty for developers, staff and community members, while these current conditions have resulted in an adversarial and sometimes hostile climate in the community. As an alternative to the moratorium, changes to the Asheville City Code were considered to further regulate these uses; however, there needs to be a better understanding of the quantifiable impacts of new hotel development and best practices so that the City can be better prepared to enhance its land use policies, tools and strategies to regulate this land use, minimize impacts and community hostility, and provide clearer direction to applicants of new hotel developments. Without this analysis, new land use policies, strategies and tools would be developed over several months but without the necessary quantifiable data required to make more informed changes, as well as a more predictable development process for applicants. Meanwhile, new hotel development would continue to burden the City's infrastructure and services thereby posing a risk to the health, safety and general welfare of the community.

(2) The development approvals subject to the moratorium are the approval of "Hotel, extended stay", "Hotel, large" and "Hotel, small" as defined in Chapter 7, Article I, Section 7-2-5 of the Asheville City Code. The moratorium will allow the City of Asheville to address the stated problems or conditions by allowing the City to analyze the impacts, appropriate geographical context and design, best practices from other cities, current supply and future demand of hotels. This analysis will provide time for the City to prepare appropriate regulations and effectively respond and provide some level of certainty to hotel development applications, and to better determine acceptable hotel development proposals.

(3) The moratorium will terminate not later than February 23, 2021. The duration of the moratorium is reasonably necessary to address the problems or conditions leading to imposition of the moratorium in order to allow the City of Asheville sufficient time to contract with outside expertise as needed, develop and approve appropriate land use policies, strategies, tools and regulations to new hotel development, including best practices from other communities, analysis and quantifying impacts, engaging the public, allowing the Planning and Zoning Commission to review and recommend regulatory land use and zoning changes, allowing the Planning and Economic Development Council subcommittee, Downtown Commission and Asheville Area Riverfront Redevelopment Commission to review analysis and proposed changes and recommend policy changes, and allowing City Council to deliberate and act upon the regulations.

(4) During the duration of the moratorium extension, the following actions which the City has not had the ability to complete are proposed to be taken by the City to address the problems or conditions leading to the imposition of the moratorium:(a) conduct any necessary supplemental research and analysis of policies, strategies and tools; (b) revise draft recommendations based on review by the Planning and Zoning Commission for Council consideration; and, (c) act on recommendations and any new regulatory changes.

Section 3. The moratorium will terminate no sooner than February 23, 2021, upon the adoption of an ordinance, after the effective date of this ordinance, which establishes zoning regulations related to hotel development.

Section 4. Notwithstanding anything herein to the contrary, the moratorium may be subsequently renewed or extended in accordance with the provisions of North Carolina General Statute 160A-381(e).

Section 5. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 6. Any part of provision of this ordinance found by a court of competent jurisdiction to be in violation of the Constitution or laws of the United States or North Carolina is hereby deemed severable and shall not affect the validity of the remaining provisions of the ordinance.
Section 7. This ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted this September 22, 2020.

Magdalen Bouldson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bouldson
City Clerk

ORDINANCE NO. 4829

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Fiscal Year 2020-21 Budget Ordinance that was adopted on July 30, 2020 be amended to provide the annua departmental budgets below. As previously approved in the Fiscal Year 2020-21 Budget Ordinance, the City Manager is authorized to revise the budget below by transfer of appropriations within each fund.

GENERAL FUND

Appropriations:

Administration Services	$ 2,124,015
Communications & Public Engagement (CAPE)	868,654
Capital Projects	2,848,917
City Attorney	1,140,735
Community & Economic Development	2,876,046
Development Services	4,836,699
Equity & Inclusion	456,499
Finance & Management Services	2,880,753
Fire Department	27,805,341
Human Resources	1,509,889
Information Technology Services	3,944,967
Parks & Recreation	10,749,180
Planning & Urban Design	1,312,206
Police Department	29,286,305
Public Works	11,644,043
Transportation	2,613,942
Non-Departmental	27,865,379
Total Appropriations	**$ 134,763,570**

WATER RESOURCES FUND

Appropriations:

Water Resources Operations	$ 33,235,312

PARKING SERVICES FUND

Appropriations:

Parking Services Operations	$ 6,647,680

STORMWATER FUND

Appropriations:

Stormwater Operations	$ 6,580,342

TRANSIT SERVICES FUND

Appropriations:

Transit Services Operations	$ 12,256,653

HARRAH'S CHEROKEE CENTER ASHEVILLE FUND

Appropriations:

HCCA Operations	$ 3,804,058

STREET CUT UTILITY FUND

Appropriations:

Street Cut Utility Operations	$ 1,877,104

SUSTAINABILITY FUND

Appropriations:

Sustainability Fund Operations	$ 769,193

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this the 22nd day of September 2020.

Magdalen Burleson
City Clerk

Esther E Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

ORDINANCE NO. 4830

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Fiscal Year 2020-21 Budget Ordinance be amended to provide an appropriation of $15,000 as a grant from the Urban Sustainability Directors Network Collaborative Rapid Response Grants and amend the Sustainability Fund as follows:

SUSTAINABILITY FUND

Revenues:

Miscellaneous Revenue	$15,000.00
Total Revenues	$15,000.00

Appropriations:

Contracted Services	$15,000.00
Total Appropriations	$15,000.00

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this the 13th day of October, 2020.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

146

ORDINANCE NO 4831

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY OF COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Fiscal Year 2020-21 Transit Capital Projects Budget Ordinance be amended to provide an appropriation of $1,250,000 in the Transit Capital Projects Budget to budget Section 5339(b) grant funding from the Federal Transit Administration and to fund transit capital projects as follows:

TRANSIT CAPITAL PROJECTS FUND:

Restricted Intergovernmental Federal Grants	$1,000,000.00
Private Donations	$40,000.00
Project Transfer from GO Bonds	$62,000.00
Project Transfer from Transit Capital	$148,000.00
Total Revenues	$1,250,000.00

Appropriations:

Contracted Services	$1,250,000.00
Total Appropriations:	$1,250,000.00

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 13th day of October, 2020.

Magdalen Bourleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bourleson
City Clerk

ORDINANCE NO. 4832

ORDINANCE AMENDING CONDITIONAL ZONING (ORDINANCE NO. 4785) FOR PROPERTY LOCATED AT 172 ASHELAND AVENUE, 185 and 99999 COXE AVENUE and 5 FEDERAL ALLEY

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, the property owner has requested changes to the site plan and project conditions (Exhibit B-1) as approved under Ordinance No. 4785; and

WHEREAS, this proposed amendment is consistent with the *Living Asheville - A Comprehensive Plan for our Future* and is determined to be reasonable, and in the public interest for the following reasons:

a) The Future Land Use category of the Living Asheville Comprehensive Plan, Downtown, is appropriate and supportive of this mixed-use development;
b) The project enhances the pedestrian experience with widened sidewalks, active ground floor uses and intentional urban open space with portions that are accessible to the public;
c) The proposal incorporates affordable residential units; and
d) The project is compatible with the surrounding area and aligned with multiple strategies found in the city's comprehensive plan.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

The zoning classification of that certain real property described in Exhibit A1 and identified on Buncombe County tax maps as PINs 9648-38-0052, 9648.37-2643, 9648.37-1928 and 9648.37-2825, and, recorded in Deed Book 5761, Page 1394; Book 5731, Page 1274; Book 5772, Page 1726;

Book 5731, Page 1274 and currently owned by South Slope Holdings LLC and Asheland Properties LLC, from Central Business District Expansion Conditional Zone (CBD EXP CZ) to Central Business District Expansion Conditional Zone (CBD EXP CZ). A copy of the official zoning map showing said lots is attached hereto as Exhibit "A.1" and made a part hereof. Said rezoning is subject to the conditions set out in Exhibit "B.1", and substantially compliant with the site plan(s) as shown on Exhibit C attached hereto and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. The ordinances shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 5. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 13th day of October, 2020.

Magdalen Bauleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

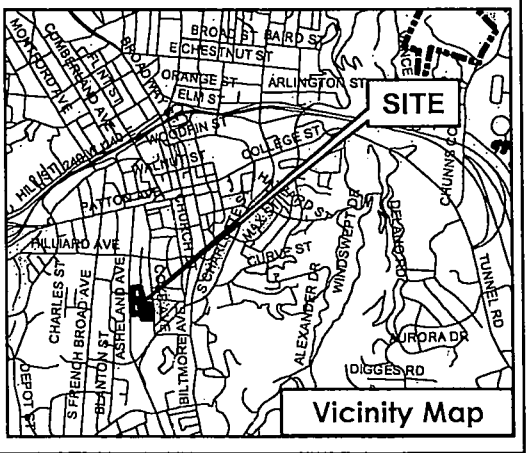
City Attorney

Magdalen Bauleson
City Clerk

City of Asheville - Exhibit A1 Map
Conditional Zoning - Coxe/Asheland Development

Project Name: Coxe/Asheland Development
Project Number: 19 - 04443 PZ
Project Description: CZ from CBD to CBD EXP CZ
Petitioner(s): Matt Maynard
Parcel ID Number(s): 9648-37-2643; 9648.38-0052
9648.37-1928; 9648.37-2825
Location/Address: 172 Asheland Avenue, 185 Coxe Ave
99999 Coxe Avenue, 5 Federal Alley

Project Site
Zoning Districts
Parcels
Streets
Asheville City Limits
River Areas



City of Asheville Planning and Urban Design Department - July 2019

EXHIBIT B.1 CONDITIONS - Coxe/Asheland Development Amendment

1. The zoning for the parcels at 172 Asheland Avenue, 185 and 99999 Coxe Avenue and 5 Federal Alley (PINs 9648.37-2643, 9648.38-0052, 9648.37-1928 and 9648.37-2825) is Central Business District Expansion District Conditional Zone.

2. The project will have approximately 475 multi family residential units, approximately 45,000 square feet of office and commercial space and approximately 575 structured parking spaces. Building heights shall not exceed 80 feet.

3. The project includes two driveways on Asheland Avenue, one on Federal Alley and one on Coxe Avenue. There is a parallel loading space on Asheland Avenue as shown on plans.

4. There will be 12 foot wide sidewalks along Coxe Avenue, a ten foot sidewalk behind a five foot grass strip on Asheland Avenue and a ten foot wide sidewalk along the Federal Alley frontage.

5. There will also be a six foot sidewalk along Federal Alley connecting to Coxe Avenue as shown on plans, subject to the City acquiring a small portion of land currently owned by the State of North Carolina which also includes resolution of encroachments into Federal Alley.

6. Urban open space plazas are provided as shown on plans including street trees in planters along Asheland Avenue. Street trees are provided in grates along Federal Alley and Coxe Avenue. Additional site landscaping supplemental to the technical code requirements will be provided as shown on the landscape plan.

7. The driveway into the parking garage on Asheland Avenue is aligned directly across from Morgan Avenue; the applicant will install a full traffic control signal including vehicular detection, communication to the signal system, sidewalk ramps, pedestrian signals, accessible push buttons, etc. with details to be determined by the Transportation Department. This will be completed prior to issuance of a temporary certificate of occupancy (TCO) for the project.

8. An upgraded transit shelter (with trash can, bench, map holder) will be provided by the applicant on the Asheland Avenue project frontage (east side) and also a bench will be provided near the existing transit stop on the west side of Asheland Avenue subject to available right-of-way. Both will be in place prior to CO.

9. Accessible pedestrian signals and push buttons will be installed at the intersection of Asheland and Hilliard by the applicant prior to issuance of a temporary certificate of occupancy (TCO) for the project.

10. Recommendations from the Final TIA and NCDOT's review will be completed by the applicant prior to issuance of a certificate of occupancy (CO) for the project unless in conflict with another B-1 Condition, noting that the City maintains authority over improvements on City streets and in City rights-of-way.

11. Applicant will work with the City and fund any necessary right of way acquisition to achieve the improvements illustrated on the project's site plan along Federal Alley prior to issuance of a temporary certificate of occupancy (TCO) for the project.

12. The project includes at least 48 of the resident al units to be dedicated for affordability at 80% AMI for at least 20 years and at least 10 of the affordable units will accept housing vouchers. The rent and income shall follow the Affordable and Workforce Housing Standards determined annually by the City of Asheville Community Development Department. An Affordable Housing Deed Restriction will be provided by the City and shall be filed and recorded by the applicant/property owner in the Buncombe County Register of Deeds prior to the project receiving the final zoning permit.

13. Signage shall be permitted separately and shall comply with Central Business District provisions in the code.

14. A separate process is required for closure of a portion of the unopened right-of-way that lies within the project area. Approval of the closure by City Council is required prior to issuance of a zoning permit.

15. All easements (sidewalks) shall be recorded prior to CO.

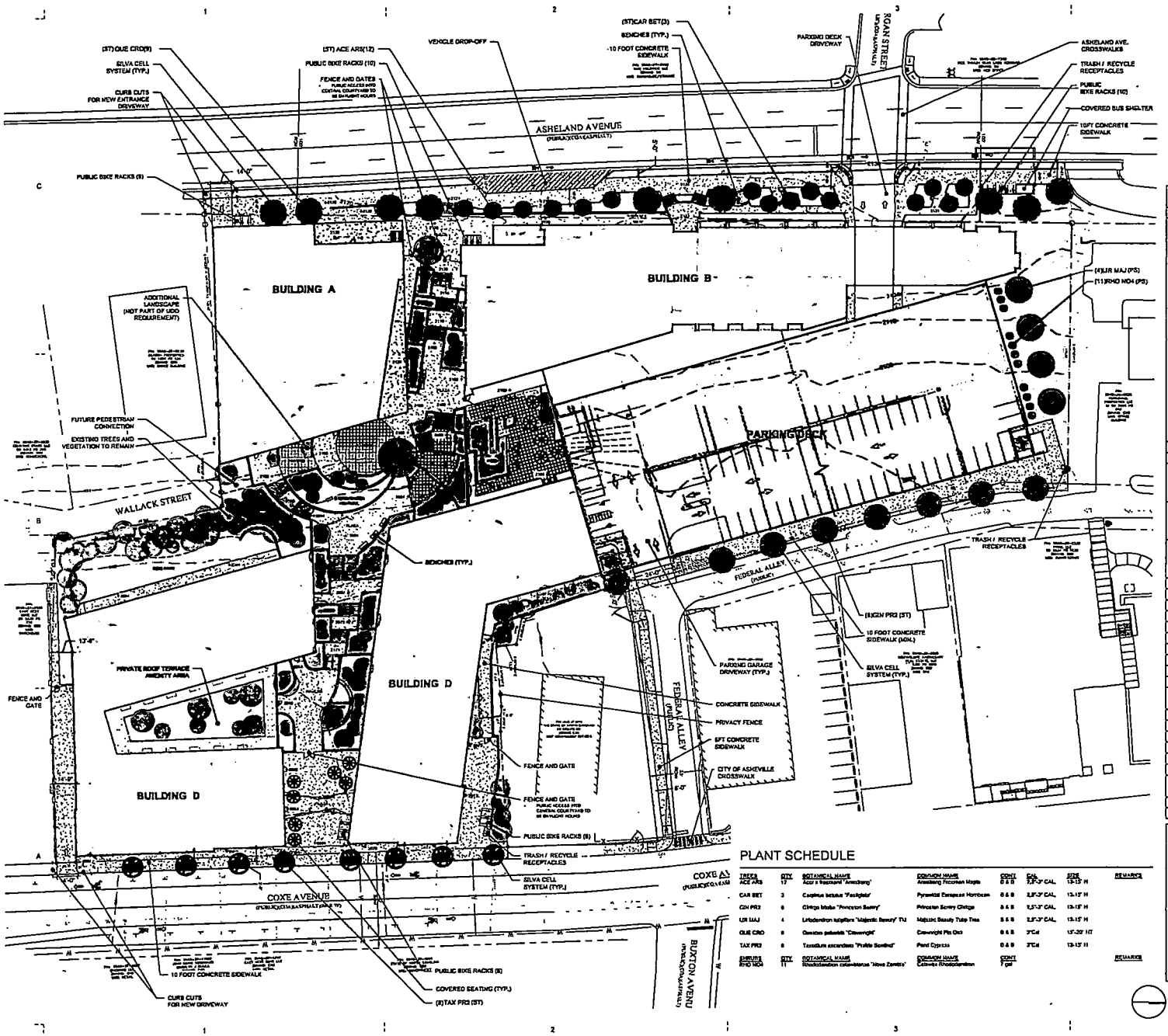
16. The building design, site design and orientation on site must substantially comply with the approved site plan and elevations which are incorporated herein by reference. Any major deviations from these plans will require a rezoning and re-review by the Downtown Commission for design review.

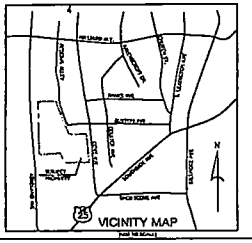
17. All legally required local, state, and federal permits and approvals must be obtained prior to initiation of construction and any pertinent legal requirements shall be met.

18. The conditional zoning will be valid for a period of two years from the date of approval by City Council. If a building permit is not obtained within two years, the approval will no longer be valid.

19. The applicant will fund any traffic calming measures which the City deems necessary as a result of the project up to $30,000.

152.





DEVELOPMENT DATA

OWNER/DEVELOPER:	TRIBUTE INVESTMENT & DEVELOPMENT, INC. 98 SOUTH CARDINAL DRIVE WILMINGTON, NC 28403
CONTACT:	MATT MAYNARD (910) 251-2288
CIVIL ENGINEER:	CIVIL DESIGN CONCEPTS, P.A. 156 PATTON AVENUE ASHEVILLE, NC 28801
CONTACT:	WARREN SUGG, P.E. (828) 253-8388
SURVEYOR:	WES COLE LAND SURVEYING, P.A. 649 ELK PARK DRIVE, SUITE 107 WOODFIN, NC 28804
CONTACT:	RONALD J. CUTSHALL, P.L.S. (828) 251-0025
ARCHITECT:	McMILLAN PAZDAN SMITH ARCHITECTURE 47 BANKON AVENUE, SUITE 111 ASHEVILLE, NC 28801
CONTACT:	BRIAN T.H. COOK, A.I.A. (828) 236-0016
LANDSCAPE ARCHITECT:	SITEWORK STUDIOS 352 DEPOT STREET, SUITE 120 ASHEVILLE, NC 28801
CONTACT:	MATTHEW EPPRUSE P.L.A. (828) 225-4943

ZONING DISTRICT	CENTRAL BUSINESS DISTRICT (CBD)	
SETBACKS	N/A	
1 PROJECT LOCATION	172 ASHELAND AVENUE ASHEVILLE, NORTH CAROLINA	
1 PIN NUMBER	9648-39-0052	
1 SITE SQ. FT. / ACRES	109,722 SF / 2.45 ACRES	
2 PROJECT LOCATION	185 COXE AVENUE ASHEVILLE, NORTH CAROLINA	
2 PIN NUMBER	9648-37-2825; 9648-37-1928; 9648-37-2543	
2 SITE SQ. FT. / ACRES	68,749 SF / 1.58 ACRES	
3 PROJECT LOCATION	5 FEDERAL ALLEY ASHEVILLE, NORTH CAROLINA	
3 PIN NUMBER	9648-39-0052	
3 SITE SQ. FT. / ACRES	109,722 SF / 2.45 ACRES	
PARKING SPACES	574 SPACES (PROVIDED)	0 SPACES (REQUIRED)
ACCESSIBLE SPACES	12 SPACES (PROVIDED)	12 SPACES (REQUIRED)
BICYCLE PARKING	37 SPACES (PROVIDED)	28 SPACES (REQUIRED)
SUPERVIOUS CALCS	SUPERVIOUS	PERVIOUS
PRE-DEVELOPMENT	2.63 ACRES (81%)	1.71 ACRES (19%)
POST-DEVELOPMENT	4.53 ACRES (81%)	0.49 ACRES (19%)
CDA PROJECT #	18-0414-3 P2	

BUILDING DATA

BLDG	STORIES/HEIGHT	GROSS FLOOR AREA	UNIT COUNT	LOCATION
A	6/5	113,188 SF	100	ASHELAND B.
B	6/7	148,151 SF	131	ASHELAND A.
D	5/6	338,212 SF	343	COXE
E	7/7	332,027 SF	Parking Deck	FEDERAL
TOTAL COMMERCIAL SF		44,188 SF	-	
TOTAL RESIDENTIAL SF		448,529 SF	474	
TOTAL SF (NO PARKING)		911,154 SF		

STREET TREE LANDSCAPE REQUIREMENTS (ST)

ASHELAND AVENUE
TOTAL LINEAR FOOTAGE OF PUBLIC RIGHT OF WAY = 351 LF
TREES REQUIRED AT 1 TREE PER 40 LINEAR FEET OF R/W
NUMBER OF TREES REQUIRED = 10
NUMBER OF TREES PROVIDED = 12

COXE AVENUE
TOTAL LINEAR FOOTAGE OF PUBLIC RIGHT OF WAY = 394 LF
TREES REQUIRED AT 1 TREE PER 40 LINEAR FEET OF R/W
NUMBER OF TREES REQUIRED = 9
NUMBER OF TREES PROVIDED = 9

FEDERAL ALLEY
TOTAL LINEAR FOOTAGE OF PUBLIC RIGHT OF WAY = 394 LF
TREES REQUIRED AT 1 TREE PER 30 LINEAR FEET OF R/W
NUMBER OF TREES REQUIRED = 13
NUMBER OF TREES PROVIDED = 13

PARKING DECK SCREENING (PS)
1 TREE & 3 SHRUBS / 30 LF OF EXPOSED PARKING DECK
TOTAL LF OF EXPOSED PARKING DECK: 135 LF
PLANTINGS REQUIRED = 4 TREES / 11 SHRUBS
PLANTINGS PROVIDED = 4 TREES / 11 SHRUBS

PLANTING LEGEND
ST = STREET TREE REQUIREMENTS
PS = PARKING DECK REQUIREMENT
# OF PLANTS
Plant Designation
Large Deciduous Tree (ST)
ZONING USE ABBREVIATION (SEE LEGEND)

811 Know what's below. Call before you dig.

0 15' 30' 60' 90' 120'

PLANT SCHEDULE

TREES	QTY	BOTANICAL NAME	COMMON NAME	CONT	CAL	SIZE	REMARKS
ACE ARS	12	Acer x freemanii 'Armstrong'	Armstrong Freeman Maple	B & B	2.5"-3" CAL	13-15' H	
CAR BET	3	Carpinus betulus 'Fastigiata'	Pyramidal European Hornbeam	B & B	2.5"-3" CAL	13-15' H	
CIN PR2	8	Chionanthus retusus 'Princeton Sentry'	Princeton Sentry Chinese	B & B	2.5"-3" CAL	13-15' H	
LIR TUJ	4	Liriodendron tulipifera 'Majestic Beauty' TU	Majestic Beauty Tulip Tree	B & B	2.5"-3" CAL	13-15' H	
QUE CRO	9	Quercus palustris 'Crownright'	Crownright Pin Oak	B & B	3"Cal	13'-20' HT	
TAX PR2	8	Taxodium ascendens 'Prairie Sentinel'	Pond Cypress	B & B	3"Cal	13-15' H	

SHRUBS	QTY	BOTANICAL NAME	COMMON NAME	CONT	REMARKS
RHO NO4	11	Rhododendron catawbiense 'Nova Zembla'	Catawba Rhododendron	7 gal	

mcmillan pazdan smith ARCHITECTURE

CDC

sitework STUDIOS

PRELIMINARY NOT FOR CONSTRUCTION

TRIBUTE COMPANIES

COXE/ASHELAND DEVELOPMENT

ASHEVILLE, NC

SHEET ISSUE:

NO.	DATE	DESCRIPTION	BY
A	6/12/19	TRC SUBMITTAL	MBS
B	8/22/19	DTC SUBMITTAL	MBS
C	03/04/20	TRC RS-SUBMITTAL	MBS
D	06/15/20	DTC REVISION SUBMITTAL	MBS

DTC REVISION SUBMITTAL 06/15/20

PRINCIPAL IN CHARGE: MBS
PROJECT ARCHITECT: MBS
DRAWN BY: MBS

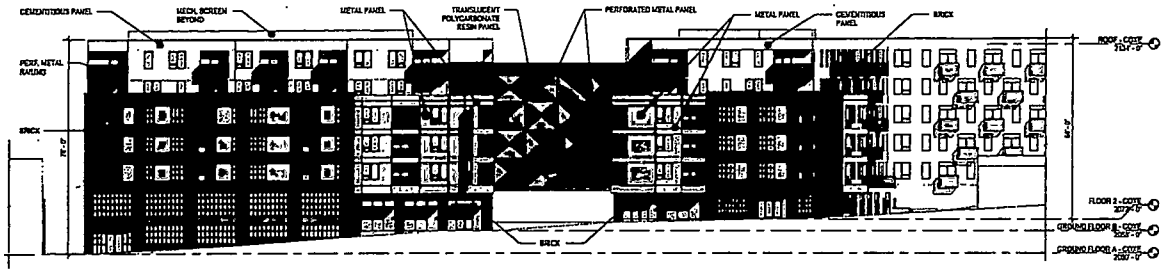
SHEET TITLE:

SITE DEVELOPMENT PLAN

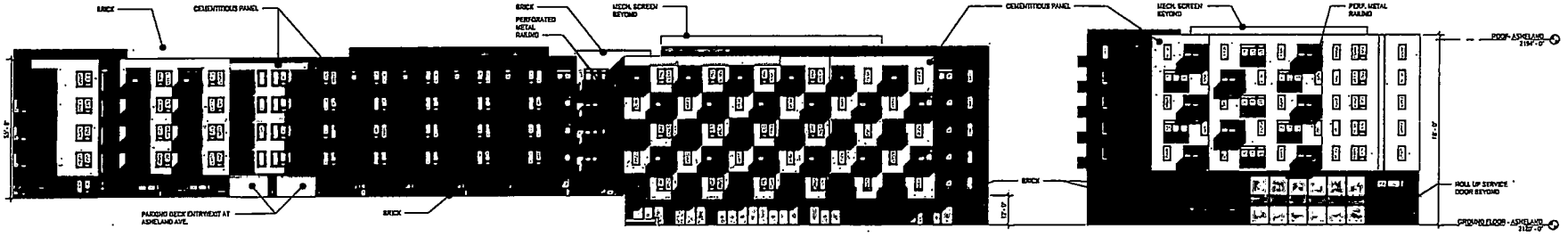
SHEET NO. L100

PROJ. NO.

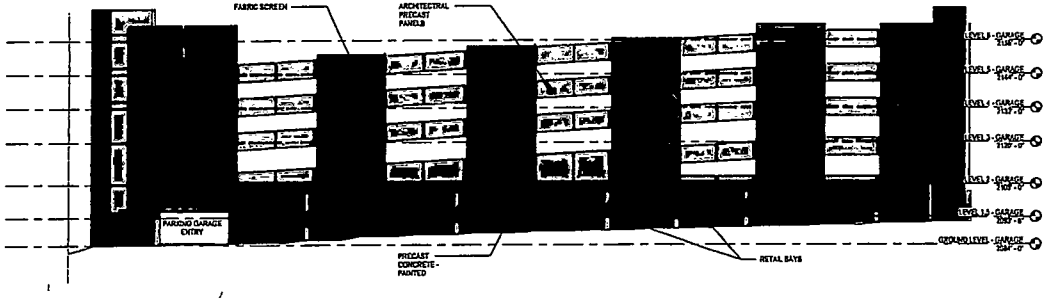
Exhibit C 1 of 2



1 A102 BUILDING D - COXE AVENUE
1" = 20'-0"



3 A102 BUILDING A&B - ASHELAND
1" = 20'-0"



2 A102 PARKING GARAGE - FEDERAL ALLEY
1" = 20'-0"

DEVELOPMENT DATA

PROPERTY OWNER		TRIBUTE INVESTMENT & DEVELOPMENT, INC.	
CONTACT PERSON		MATT MAYNARD 10 SOUTH CARDINAL DRIVE WILMINGTON, NC 28403	
ZONING DISTRICT		CENTRAL BUSINESS DISTRICT (CBD)	
SETBACKS		N/A	
1	PROJECT LOCATION	172 ASHELAND AVENUE ASHEVILLE, NORTH CAROLINA	
	PIN NUMBER	9648-38-0052	
	SITE SQ. FT. / ACRES	108,722 SF / 2.45 ACRES	
2	PROJECT LOCATION	183 COXE AVENUE ASHEVILLE, NORTH CAROLINA	
	PIN NUMBER	9648-37-2925; 9648-37-1928; 9648-37-2543	
	SITE SQ. FT. / ACRES	88,249 SF / 1.08 ACRES	
3	PROJECT LOCATION	5 FEDERAL ALLEY ASHEVILLE, NORTH CAROLINA	
	PIN NUMBER	9648-38-0052	
	SITE SQ. FT. / ACRES	108,722 SF / 2.45 ACRES	
PARKING SPACES		374 SPACES (PROVIDED)	8 SPACES (REQUIRED)
ACCESSIBLE SPACES		12 SPACES (PROVIDED)	12 SPACES (REQUIRED)

BUILDING DATA

BLDG	STORIES/HEIGHT	GROSS FLOOR AREA	UNIT COUNT	LOCATION
A	66'	112,188 SF	100	ASHELAND S.
B	67'	140,151 SF	131	ASHELAND N.
D	50'	238,212 SF	243	COXE
E	70'	330,622 SF	Parking Deck	FEDERAL
TOTAL COMMERCIAL SF		44,159 SF	-	
TOTAL RESIDENTIAL SF		448,629 SF	474	
TOTAL SF (W/ PARKING)		811,154 SF		

mcmillan pazdan smith ARCHITECTURE

CDC

sitework STUDIOS

TRIBUTE COMPANIES

COXE / ASHELAND DEVELOPMENT

ASHEVILLE, NC

SHEET ISSUE:

NO.	DATE	DESCRIPTION	BY
A	6/12/19	TRC SUBMITTAL	
B	8/22/19	DTC SUBMITTAL	
C	03/04/20	TRC RE-SUBMITTAL	
D	06/19/20	DTC REVISION SUBMITTAL	
E	07/24/20	REVISIONS FOR P&Z	

REVISIONS FOR P&Z 07/24/20

PRINCIPAL IN CHARGE: Approver
PROJECT ARCHITECT: Checker
DRAWN BY: Author

SHEET TITLE:
ELEVATIONS

SHEET NO. A102

PROJ. NO.

153

Exhibit C
2 of 2

ORDINANCE NO. 4833

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Fiscal Year 2019-20 Budget Ordinance be amended to provide an appropriation of $680,664 to fund contract extensions utilizing expected FEMA reimbursements and amend the Special Revenue Fund as follows:

SPECIAL REVENUE FUND

Revenues:

Federal Revenue Distribution - FEMA	$680,664
Total Revenues	$680,664

Appropriations:

COVID-19 Expense	$680,664
Total Appropriations	$680,664

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this the 27th day of October, 2020.

Magdalen Burleson
City Clerk

Esther G. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

ORDINANCE NO. 4834

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Fiscal Year 2020-21 Budget Ordinance be amended to budget $15,000 transferred from the General Fund to the City's Special Revenue Fund as follows:

SPECIAL REVENUE FUND

Revenues:

Transfer from General Fund	$15,000
Total Revenues	$15,000

Appropriations:

Supplies - Other	$15,000
Total Appropriations	$15,000

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 27th day of October, 2020.

Magdalen Bourleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bourleson
City Clerk

156

ORDINANCE NO. 4835

ORDINANCE AMENDING CONDITIONAL ZONING FOR PROPERTY LOCATED AT 236 CHARLOTTE STREET AND 336 HILLSIDE STREET

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this proposed amendment is consistent with the *Living Asheville - A Comprehensive Plan for our Future* and is determined to be reasonable, and in the public interest for the following reasons:

a) The project expands an existing community-supported use in the existing location;
b) The Future Land Use of the Living Asheville Comprehensive Plan anticipates non-residential community-focused uses and
c) The amendment allows for needed upgrades and access management to the site while maintaining compatibility with the surrounding area.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

The zoning classification of that certain real property described in Exhibit A and identified on Buncombe County tax maps as PINs 9649-54-9873 and 9649-54-7812, and, recorded in Deed Book 707, Page 322 and Book 2135, Page 152 and currently owned by Jewish Community Center of Asheville, from Community Business II Conditional Zone District (CBII-CZ) to Community Business II District Expansion Conditional Zone (CBII CZ). A copy of the official zoning map showing said lots is attached hereto as Exhibit "A.1" and made a part hereof. Said rezoning is subject to the conditions set out in Exhibit "B.1", and substantially compliant with the site plan(s) as shown on Exhibit C attached hereto and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. The ordinances shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 5. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 27th day of October, 2020.

Magdalen Bowlesson
City Clerk

Esther E Manheimer
Mayor

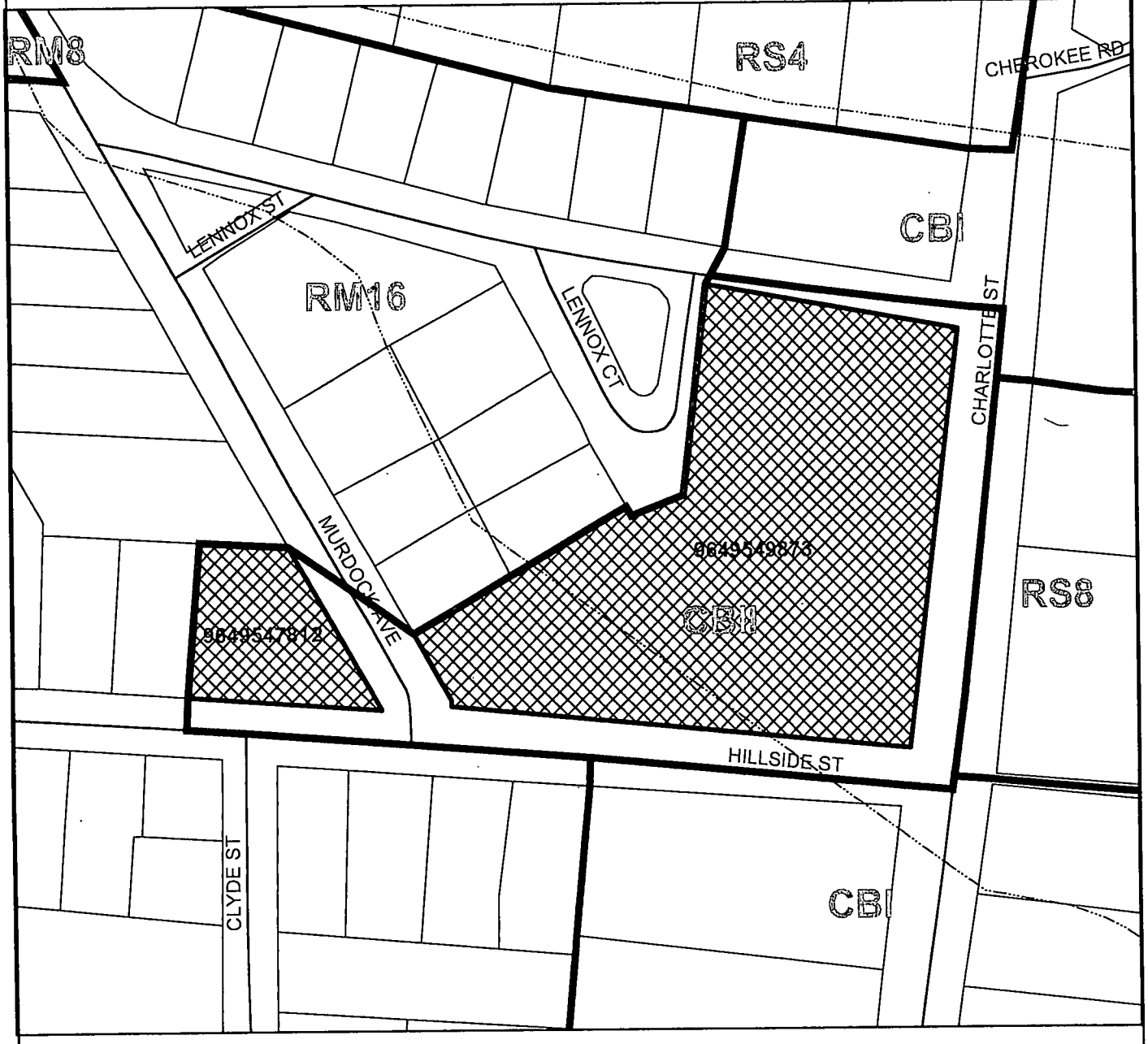
Approved as to form:

City Attorney

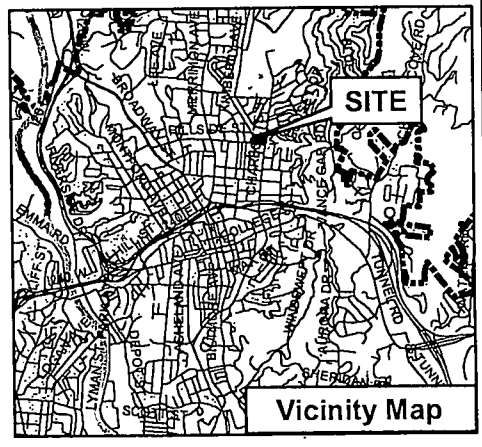
Magdalen Bowlesson
City Clerk

158..

City of Asheville - Exhibit A Map
Conditional Zoning Amendment - JCC



Project Name:	JCC Amendment
Project Number:	20-01552 PZ
Project Description:	CZ Amendment - no zoning change CII-CZ
Petitioner(s):	JCC of Asheville
Parcel ID Number(s):	9649-54-7812 & 9649-54-9873
Location/Address:	236 Charlotte Street & 336 Hillside Street



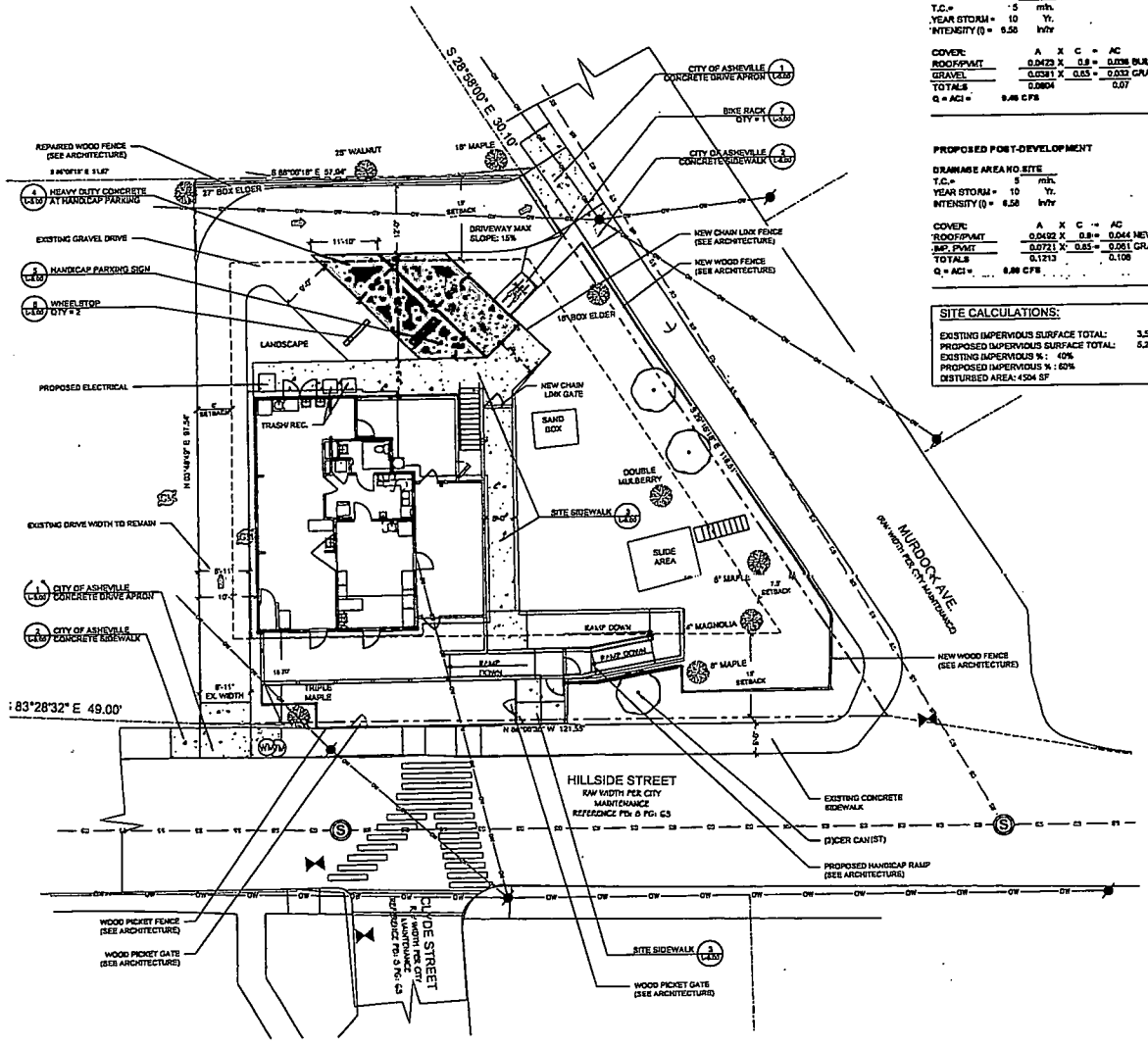
Project Site
Zoning Districts
Parcels
Streets
Asheville City Limits
River Areas

City of Asheville Planning and Urban Design Department - October 2020

EXHIBIT B-1 Conditions | Jewish Community Center of Asheville (Amendment)

1. Approval is for conditional zoning from Residential Multi-Family High Density (RM-16) and Community Business I (CBI) districts to Community Business 11 Conditional Zone (CBII-CZ) for the expansion of the community center and child care building and uses.
2. The existing two-story community center building at 236 Charlotte Street and infant day care use at 336 Hillside Street will remain.
3. Access to the main site will be from the driveway on Hillside for both ingress and egress as shown on site plans incorporated herein by reference. Vehicular access to 336 Hillside will be ingress from Hillside and egress onto Murdock Avenue as shown on site plans incorporated herein by reference with reduced driveway widths and spacing standards as indicated. The driveway onto Murdock will be signed for right-turn out only.
4. There are at least 27 parking spaces provided in the surface lot at 236 Charlotte Street and two spaces at 336 Hillside. Additional parking for the overall community center use is provided at 40 Clyde Street, next to the pool and recreational use that is being relocated to that location, approximately 620 feet from the community center site.
5. A portion of the parking spaces encroach into the setback along Hillside Street.
6. The building addition at 236 Charlotte Street is one-story and approximately 11,063 square feet, resulting in a total GFA of approximately 29,460 square feet.
7. Prior to obtaining a Certificate of Occupancy, a concrete pad for a transit shelter will be provided along Charlotte Street as shown on site plans.
8. Existing landscaping and rock wall along Charlotte Street will remain and be preserved, as set forth on the site plan.
9. New street trees will be provided along all frontages along with existing trees, as set forth on the site plan.
10. The property line buffers for 236 Charlotte Street are eliminated along the internal property line, Lennox Court, Murdock and Hillside due to existing conditions to maintain parking lot and placement of new building addition. Existing vegetation and fencing will remain, as set forth on the site plan.
11. The property line buffer for Hilde's House at 336 Hillside will be reduced as set forth on the site plan.
12. Setbacks will be as follows:
    a. Front setback along Charlotte Street will be 35 foot maximum for existing building and 80 foot maximum for new addition,
    b. Second front setback along Lennox Court will be a maximum of 25 feet.
    c. Corner side setback along Lennox Street will be eight feet for the new building.
    d. Corner side setback along Murdock Avenue will be reduced only to allow the encroachment of the existing shed, as shown on the site plan.
    e. All other setbacks comply with CBI standards as shown on site plans.
13. Existing sidewalks along Charlotte Street do not meet the City's standard and are proposed to remain where the rock wall and vegetation are proposed to be preserved.
14. The total gross floor area for the community center building is approximately 25,985 square feet.
15. The building at 336 will be expanded as shown on plans incorporated herein by reference to allow for a new ramp for accessibility, enlarged side porch and a small increase to heated area as well as the site modifications shown on the plan and described in other conditions above. Existing sidewalks will be partially rebuilt but otherwise remain as shown on plans.

16. The building is oriented towards Lennox Court and away from Charlotte Street due to the nature and programming of the use and existing vehicular access and parking location.
17. While there is one long roof line viewed from both Charlotte Street and Lennox Court, the building is articulated under the roof along classroom divisions and provides recesses to break up the face of the building.
18. Fenestration along Charlotte Street on the new addition is a minimum of 20% due to the nature of the use as child care and the interior orientation.
19. The development will be in substantial compliance with the approved site plan which is incorporated herein.
20. All legally required local, state, and federal permits and approvals must be obtained prior to initiation of construction and any pertinent legal requirements shall be met.
21. The conditional zoning will be valid for a period of two years from the date of approval by City Council. If a building permit is not obtained within two years, the approval will no longer be valid.



PLANT SCHEDULE

TREES	QTY	BOTANICAL NAME	COMMON NAME	CONT	SIZE	REMARKS
CER CAN	3	Cercis canadensis	Eastern Redbud	B & B	8'-10' HT	Single Leader

DRAINAGE AREA NO SITE

T.C.= 5 min.
YEAR STORM = 10 Yr.
INTENSITY (I) = 6.58 in/hr

COVER:	A	X	C	=	AC	
ROOF/PVMT	0.0423	X	0.9	=	0.038	BUILDING/ MP DECKING
GRAVEL	0.0381	X	0.65	=	0.033	GRAVEL PARKING
TOTALS	0.0804				0.07	

Q = ACI = 0.46 CFS

PROPOSED POST-DEVELOPMENT

DRAINAGE AREA NO SITE

T.C.= 5 min.
YEAR STORM = 10 Yr.
INTENSITY (I) = 6.58 in/hr

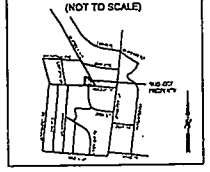
COVER:	A	X	C	=	AC	
ROOF/PVMT	0.0492	X	0.9	=	0.044	NEW BUILDING FOOTPRINT
IMP. PVMT	0.0721	X	0.85	=	0.061	GRAVEL DRIVE/ SIDEWALKS
TOTALS	0.1213				0.106	

Q = ACI = 0.86 CFS

SITE CALCULATIONS:

EXISTING IMPERVIOUS SURFACE TOTAL:	3,504 SF
PROPOSED IMPERVIOUS SURFACE TOTAL:	5,283 SF
EXISTING IMPERVIOUS % : 40%	
PROPOSED IMPERVIOUS % : 60%	
DISTURBED AREA: 4504 SF	

VICINITY MAP
(NOT TO SCALE)



PROPERTY INFORMATION:

PROPERTY OWNER :
JEWISH COMMUNITY CENTER FOUNDATION OF ASHEVILLE
PIN NUMBER: 0649-54-7812

PROPERTY ADDRESS:
336 HILLSIDE AVENUE
ASHEVILLE, NC 28801

TOTAL PROPERTY ACREAGE: 0.2 AC (8,712 SF)

ZONING: CBD - C2 (SEE NOTES)

BUILDING INFORMATION:

BUILDING FOOTPRINT: 1,544 SF
EXISTING / PROPOSED USE: NURSERY SCHOOL
BUILDING HEIGHT: 8'-8" (FFE TO CEILING)
19' (+/-) (FFE TO HIGHEST ROOF PITCH)

BUILDING SETBACKS: (PER SURVEY)
FRONT: 15'
FRONT CORNER: 7.5'
SIDE: 8'
REAR : 15'

STREET TREE REQUIREMENTS *
PLANTINGS REQUIRED AT 1 PER 40 LF
HILLSIDE STREET
121.53 LF = 3 TREES REQUIRED

MURDOCK AVENUE
116.51 LF = 3 TREES REQUIRED

TREES REQUIRED BASED ON APPROVED C2 PLANS = 3 SMALL DECIDUOUS TREES
* SEE NOTE

PLANTINGS:

ST = STREET TREE REQUIREMENT
# OF PLANTS
ZONING USE ABBREVIATION (SITE LEGEND)

NOTES:

1. THIS SITE IS PART OF A CONDITIONAL ZONING (CZ) PERMIT ISSUED BY THE CITY OF ASHEVILLE (ORDINANCE # 4570) ON MARCH 28, 2017. PER THE SITE PLANS PROVIDED AT THAT TIME, TWO ADDITIONAL STREET TREES ARE REQUIRED FOR THIS PROPERTY. ALL OTHER NON-CONFORMITIES ARE ALLOWED TO REMAIN AND MAY CONTINUE.

2. ALL EXISTING TREES ARE TO REMAIN, UNLESS SHOWN ON DEMOLITION PLAN.

3. TRASH AND RECYCLING CONTAINERS ARE SHOWN ON PLAN.

HATCHED AREAS SHOW SITE IMPROVEMENTS

811
Know what's below.
Call before you dig.

0 5' 10' 20' 30'

Legerton
ARCHITECTURE
21 North Liberty Street, Asheville, NC 28801
828.251.9125 www.LegertonArchitecture.com

CONSULTANTS:

sitework STUDIOS

NOT FOR CONSTRUCTION
FOR REVIEW ONLY

HILDE'S HOUSE RENOVATIONS
ASHEVILLE JEWISH COMMUNITY CENTER
336 HILLSIDE STREET, ASHEVILLE, NC 28801

DESIGN DEVELOPMENT PRICING SET
03.03.2020

NO.	DATE	REVISION

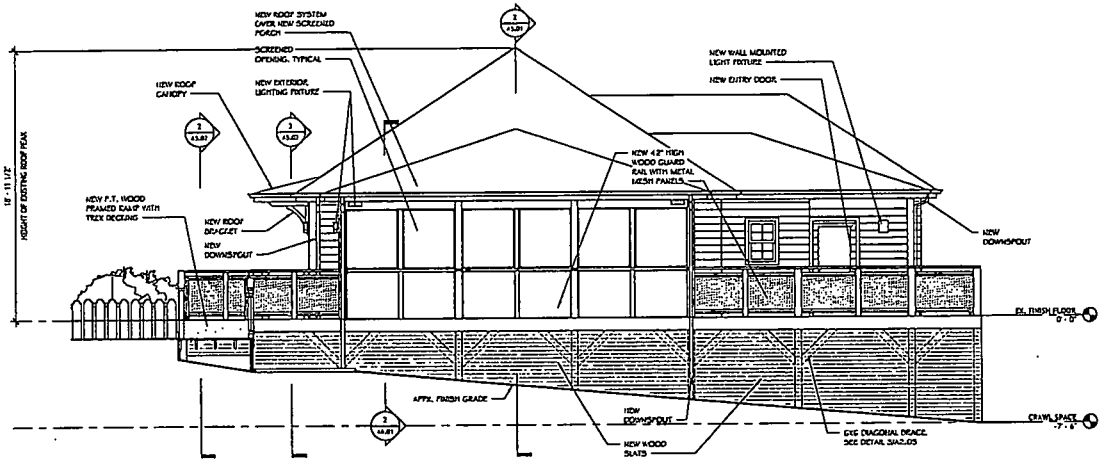
Project Name
HILDE'S HOUSE RENOVATIONS
Project Number
1865
Date
03.03.2020
Scale
1" = 10'-00"
Drawing
Site Development Plan

L2.00

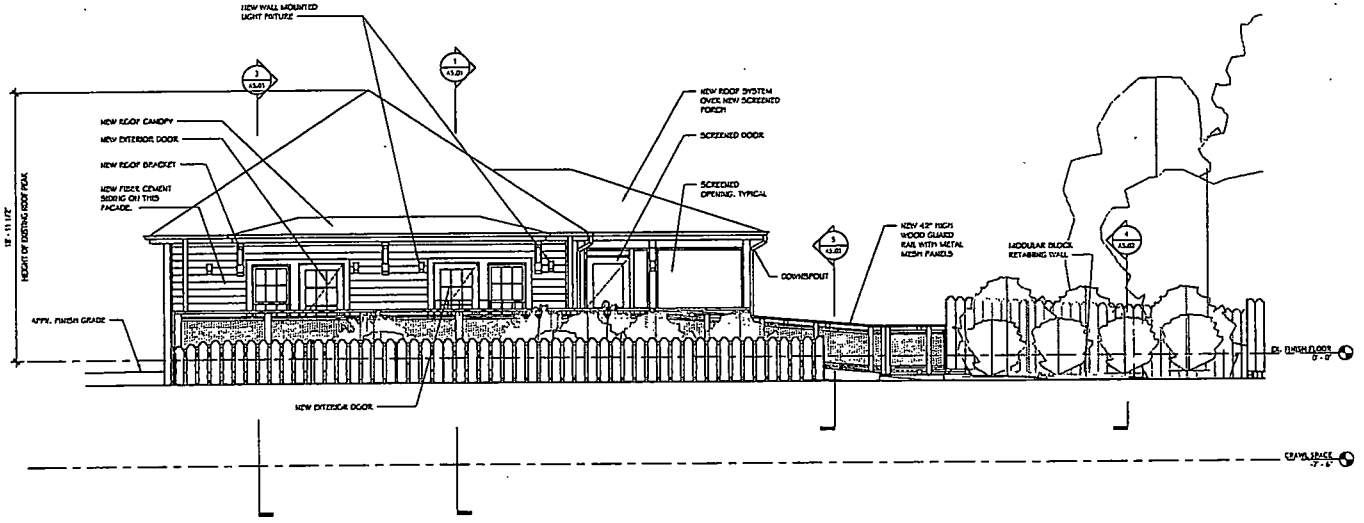
DESIGN DEVELOPMENT PRICING SET

Exhibit C Pg 1 of 2

191



1 | EAST ELEVATION
1/4" = 1'-0"



2 | SOUTH ELEVATION
1/4" = 1'-0"

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NOT FOR CONSTRUCTION
FOR REVIEW ONLY

CONSULTANTS:

HILDE'S HOUSE
RENOVATIONS &
ADDITIONS
ASHEVILLE JCC
336 HILLSIDE STREET, ASHEVILLE, NC 28801

CONSTRUCTION SET
3/4/2020

NO	DATE	REVISION
1	9/11/19	Revision 1

Project Name
HILDE'S HOUSE RENOVATIONS & ADDITIONS
1885

Date
3/4/2020

Scale
1/4" = 1'-0"

Drawing
EXTERIOR ELEVATIONS

A4.01

CONSTRUCTION SET

Exhibit C page 2 of 2

ORDINANCE NO. 4836

ORDINANCE AMENDING CHAPTER 7, DEVELOPMENT AND CHAPTER 8, HISTORIC PRESERVATION OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE TO ALIGN THE UNIFIED DEVELOPMENT ORDINANCE TO CONFORM WITH THE REQUIREMENTS OF SESSION LAW 2019-111, COMMONLY REFERRED TO AS CHAPTER 160D.

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety, and welfare; and

WHEREAS, the Unified Development Ordinance (Chapter 7 of the City Code of Ordinances) (herein "UDO") specifies standards, processes and regulations for development and land use; and

WHEREAS, Chapter 8 of the City Code specifies Historic Preservation procedures such as designations of historic landmarks and historic districts; and

WHEREAS, the North Carolina legislature recently enacted Session Law 2019-111, "An Act to Clarify, Consolidate, and Reorganize the Land-Use Regulatory Laws of the State" commonly referred to as N.C.G.S. Chapter 160D on June 19, 2020; and

WHEREAS, the new law provided flexibility to local governments in the timing for adoption of amendments to conform local development regulations to the new statute, allowing local governments to enact their amendments immediately, if they so choose. Local governments are not required to enact the conforming amendments until July 1, 2021; and

WHEREAS, the City of Asheville has determined that it is its best interest to enact amendments to conform with the new 160D as soon as we are able and the text amendments herein, align several sections of the UDO and other relevant sections of the City Code with N.C.G.S. 160D; and

WHEREAS, the City's adopted "Living Asheville Comprehensive Plan" encourages Responsible Regionalism that seeks to improve regional collaboration, coordination and communication and the proposed text amendments meet that goal by aligning the City's development code with the State statutes; and

WHEREAS, this revision aligns with the City Council goals to update the Unified Development Ordinances in order to reflect recommendations in the Comprehensive Plan; and

WHEREAS, this Ordinance is determined to be reasonable, in the public interest, and is consistent with the Comprehensive Plan in that it promotes responsible growth based on holistic decision making and brings City ordinances into compliance with the new North Carolina General Statute regarding land use development regulations, N.C.G.S. 160D;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1: Chapter 7 of the Code of Ordinances of the City of Asheville is hereby amended as follows:

a. Amend section 7-3-4 (a). Historic Resources Commission by replacing it in its entirety with the following:

Sec. 7-3-4. - Historic Resources Commission.

(a) *Powers and duties.* The Historic Resources Commission of Asheville and Buncombe County is designated as a "historic preservation commission" pursuant to Part 4 of Article 9 of Chapter 160D of the North Carolina General Statutes, or its successor, and shall have the following powers and duties, to be carried out in accordance with the terms of this chapter:

(1) To undertake an inventory of properties of historical, prehistorical, architectural, and/or cultural significance;

(2) To recommend to the Asheville City Council areas to be designated by ordinance as "historic districts"; and to recommend to the Asheville City Council and the Buncombe County Board of Commissioners individual structures, buildings, sites, areas, or objects to be designated by ordinance as "landmarks";

(3) To acquire by any lawful means the fee or any lesser included interest, including options to purchase, to properties within established districts or to any such properties designated as landmarks, to hold, manage, preserve, restore and improve such properties, and to exchange or dispose of the property by public or private sale, lease or otherwise, subject to covenants or other legally binding restrictions that will secure appropriate rights of public access and promote the preservation of the property;

(4) To restore, preserve and operate historic properties;

(5) To recommend to the Asheville City Council that designation of any area as a historic district or part thereof, or to recommend to the Asheville City Council and the Buncombe County Board of Commissioners that designation of any building, structure, site, area, or object as a landmark, be revoked or removed for cause;

(6) To conduct an educational program regarding historic properties and districts within its jurisdiction;

(7) To cooperate with the State, federal, and local governments in pursuance of the purposes set forth in Part 4 of Article 9 of Chapter 160D of the North Carolina General Statutes, or its successor. The governing body of the commission, when authorized by the Asheville City Council or the Buncombe County Board of Commissioners, may contract with the State, or the United States of America, or any agency of either, or with any other organization provided the terms are not inconsistent with State or federal law;

(8) To enter, solely in performance of its official duties and only at reasonable times, upon private lands for examination or survey thereof. However, no member, employee or agent of the commission may enter any private building or structure without the express consent of the owner or occupant thereof;

(9) To prepare and recommend the official adoption of a preservation element as part of the city's comprehensive plan;

(10) To review and act upon proposals for alterations, demolitions, or new construction within historic districts, or for the alteration or demolition of designated landmarks;

(11) To negotiate at any time with the owner of a building, structure, site, area, or object for its acquisition or its preservation, when such action is reasonably necessary or appropriate; and

(12) To adopt and amend standards for alterations, demolitions, and new construction within historic districts and for the alteration or demolition of designated landmarks in order to guide the commission in determining congruity with the special historic character of the landmark or district.

b. Amend Sections 7-5-8. Subdivision plat approvals. (a) Major Subdivisions (3) Preliminary plat/site plan submittal. e. Historic overlay districts and local historic landmarks. and f. Approvals by replacing them in their entirety with the following:

e. *Historic overlay districts and local historic landmarks.* All lots of proposed subdivisions located in a historic overlay district or of land designated as a local historic landmark shall be reviewed by the Historic Resources Commission ("HRC") for issuance of a preliminary approval to ensure that any potential development on the proposed subdivided lot(s) that would require a certificate of appropriateness would be not be incongruous with the special character of the historic district and/or local historic landmark in terms of building setback, orientation and consistency with the historic development pattern. HRC approval shall precede TRC review, if applicable. The process for HRC review of proposed subdivisions and preliminary approval shall be quasi-judicial; decisions shall be made based on the applicable ordinances and historic design standards guidelines. Subsequent to final subdivision approval, a separately issued certificate of appropriateness(s) will be required for any proposed construction and/or actual site development (if not included as part of the initial subdivision review) prior to issuance of building and zoning permits in accordance with section 7-5-11 of the City Code.

f. *Approvals.* Approval of the preliminary plat for major subdivisions shall be valid for two years from the date of approval by the TRC. The final plat for the major subdivision shall be approved and recorded prior to the end of this two-year period. An HRC approved subdivision shall be valid for two years from the date of approval by the HRC. Major subdivisions with more than 20 lots shall be exempt from this time limit as set forth in this section, but are instead subject to the phasing schedule appearing in the approved preliminary plat; however, under no circumstances shall this phasing period exceed five years.

c. Amend Section 7-5-11. Certificate of appropriateness approval. by replacing it in its entirety with the following:

Sec. 7-5-11. - Certificate of appropriateness approval.

From and after the designation of a historic landmark or a historic district, no exterior portion of any building or other structure (including masonry walls, fences, light fixtures, steps and pavement or other appurtenant features), nor above-ground utility structure, nor other exterior features such as signs, significant landscape, archeological and natural features of the area, shall be erected, altered, restored, moved, or demolished on such landmark or within such district until an application for a certificate of appropriateness has been submitted to and approved by city staff or the Historic Resources Commission ("HRC"). A certificate of appropriateness must be issued prior to the issuance of a building permit granted for the purposes of constructing, altering, moving, or demolishing structures. A certificate of appropriateness shall be required whether or not a building permit is required.

Decision Type:

Minor Work: Administrative Decision

Major Work: Quasi-Judicial Decision

166

(a) *Minor works.*

(1) *Purpose.* A minor works certificate of appropriateness is required for those projects in which the visual character of the structure or grounds is not substantially changed. Structures and grounds located within local historic districts or associated with landmarks require certificates of appropriateness, which certify that the proposed improvements are not incongruous with the special historic character of the local historic district or landmark. This section describes the procedure for applying for and receiving a certificate of appropriateness for a minor work.

(2) *Pre-application procedure.* No pre-application conference is required prior to applying for a certificate of appropriateness for a minor work. Applicants are encouraged to call or visit the planning and development department prior to requesting a certificate of appropriateness to determine what information is required for the application and to obtain the appropriate guidelines historic district or landmark design standards.

(3) *Application submittal.*

a. *Filing of application.* An application, along with the adopted design standards, for minor works review will be made available or supplied by designated city staff. A completed application and required information shall be filed with the development services department to begin the review process.

b. *Fees.* For all minor work certificates of appropriateness, fees as established by the City of Asheville Fees and Charges Manual shall be due and payable when the application is submitted.

c. *Information required.* Each application for a minor works certificate of appropriateness shall include the information for the application type as listed on the application checklist.

(4) *Staff review.* The director of historic resources or his or her designee shall review the application for compliance with the principles and standards principles and guidelines applicable to the historic district and/or local historic landmark within ten working days. The review may include a meeting with the applicant at the site of the proposed work. If the proposed minor work is consistent with the applicable design review standards guidelines, the director or his or her designee shall issue a certificate of appropriateness for the work.

(5) *Public notification.* No public notification is required for a minor works certificate of appropriateness application.

(6) *Formal review.* No formal review of a request for a minor works certificate of appropriateness is required unless an appeal of the decision of the director is taken to the Historic Resources Commission ("HRC").

(7) *Variances.* No variances from the principles and standards principles and guidelines applicable to a review for a minor works certificate of appropriateness shall be granted.

(8) *Appeals.* An appeal of the decision of the director of historic resources regarding approval or disapproval of an application for a minor works certificate of appropriateness shall be heard by the HRC. The appeal must be made in writing within 30 days of receipt by the applicant of the written decision of the director of the HRC.

(9) *Certificate of appropriateness validity.* A minor works certificate of appropriateness shall be valid for one year following approval. If work on the project has not begun prior to expiration of the certificate of appropriateness, the applicant shall be required to resubmit the project to development services for review by the director of historic resources or his or her designee.

(10) *Violations.* Violations of the provisions of this section 7-5-11 shall include, but not be limited to, failure to obtain a minor works certificate of appropriateness in accordance with the requirements set forth above and/or failure to comply with the terms of a minor works certificate of appropriateness once it has been issued. Discontinuance of work in accordance with the

minor works certificate of appropriateness or lack of progress toward completion of the work for a period of 90 days shall constitute a violation of this section 7-5-11. Determination of discontinuance of work or lack of progress on such work shall be decided at the sole discretion of the planning and development director and/or director of historic resources. Violations shall be subject to the enforcement and penalty provisions set forth in article XVIII of this chapter.

(b) *Major works.*

(1) *Purpose.* A major works certificate of appropriateness is required for those projects which involve new construction; a change in the appearance of a building, structure, or landscape; demolition of a building or structure; relocation of a building or structure; or any other work which is more substantial in nature than work for which a minor works certificate of appropriateness is required. Buildings, structures and grounds located within local historic districts or associated with landmarks require certificates of appropriateness, which certify that the proposed changes are not incongruous with the special historic character of the local historic district or the landmark. The procedures for applying for and receiving a certificate of appropriateness for a major work are set forth in this section.

(2) *Pre-application procedure.* A pre-application conference is required prior to applying for a certificate of appropriateness for a major work. Applicants should call or visit department staff to discuss proposed design changes and to schedule a pre-application conference to review the major work application.

(3) *Application submittal.*

a. *Filing of application.* An application, along with the adopted historic district or landmark design standards, for major works review will be made available or supplied by designated city staff. A completed application and required information shall be filed with the development services department at least 14 days prior to the HRC meeting at which the request is to be heard.

b. *Fees.* For all major work certificates of appropriateness, fees as established by the City of Asheville Fees and Charges Manual shall be due and payable when the application is submitted.

c. *Information required.* Each application for a major works certificate of appropriateness shall include the information for the application type as listed on the application checklist. The HRC may refuse to consider or table an application if it determines that insufficient information has been provided by the applicant.

(4) *Staff review.* Upon receipt of an application for a major work certificate of appropriateness, the director of the department or his or her designee shall review the application to ensure that it is complete. Following the review, the application shall be scheduled for review by the HRC.

(5) *Hearing notification.* Notice of the quasi-judicial hearing required under this section for major works certificates of appropriateness approval shall be provided in accordance with the provisions of North Carolina General Statute 160D-406.

(6) *Formal Review/Quasi-Judicial Hearing.* All applications for major work certificates of appropriateness shall be considered by the HRC. The request shall be scheduled for review at the next available regular meeting of the HRC. The HRC shall use the applicable principles and standards and principles in its review of all applications for certificates of appropriateness. The hearing shall be conducted pursuant to the rules of procedure established by the commission and according to the requirements of the North Carolina General Statutes 160D-406 for quasi-judicial procedures. The HRC then shall take action to approve, approve with modifications, or disapprove the application. The HRC shall cause to be entered into the minutes of its meeting the reasons for its action. The HRC may, at its discretion, view the premises and obtain additional facts concerning any application, and may seek the advice of the North Carolina Department of Cultural Resources or other expert advice as it may deem

necessary. All applications for a certificate of appropriateness shall be reviewed and acted upon within a reasonable time not to exceed 180 days from the date the application for a certificate of appropriateness is filed, as defined by the HRC's rules of procedure. The HRC shall base its decision regarding issuance or denial of a certificate appropriateness upon competent, material and substantial evidence presented at the hearing. The decision shall be in writing, reflect the commission's determination of contested facts and their application the applicable standards, and be approved by the commission and signed by the chair or other duly authorized member of the commission.The decision of the commission shall be delivered within a reasonable time by personal delivery, electronic mail, or by first-class mail to the applicant, landowner, and to any person who has submitted a written request for a copy prior to the date the decision becomes effective. If the application is approved, the secretary of the HRC shall transmit, in writing a certificate of appropriateness, clearly describing the nature of the work which has been approved. The secretary shall attach a copy of the minutes of the meeting at which the approval was granted and a placard form of a certificate of appropriateness, which shall be displayed on the project site.

(7) *Variances.* No variances from the principles and standards applicable to a review for a certificate of appropriateness shall be granted.

(8) *Appeals.* An appeal of the decision of the HRC regarding approval of an application for a major works certificate of appropriateness shall be made to the superior court in the nature of certiorari by the later of 30 days after the decision is effective or after a written copy thereof is given in accordance with N.C.G.S. 160D-1402 and 160D-1405.

(9) *Certificate of appropriateness validity.* A major work certificate of appropriateness shall be valid for one year following approval. If work on the project has not begun prior to expiration of the certificate of appropriateness, the applicant shall be required to resubmit the project to development services for review by the director of historic resources or his or her designee.

(10) *Violations.* Violations of the provisions of this section 7-5-11 shall include, but not be limited to, failure to obtain a major works certificate of appropriateness in accordance with the procedures set forth above and/or failure to comply with the terms of a major works certificate of appropriateness once it has been issued. Discontinuance of work in accordance with the major works certificate of appropriateness or lack of progress toward completion of the work for a period of 90 days shall constitute a violation of this section 7-5-11. Determination of discontinuance of work or lack of progress on such work shall be decided in the sole discretion of the planning and development director and/or director of historic resources. Violations shall be subject to the enforcement and penalty provisions set forth in article XVIII of this chapter.

d. Amend Section 7-8-1.(b) Enumeration and description of zoning districts.(2) Overlay districts. b. Historic preservation overlay district(s), third sentence by replacing the term "*guidelines*" with the term "*standards*" as follows:

b. *Historic preservation overlay district(s).* Asheville's historic areas are important assets to the city. The protecting and conserving of the historic areas is encouraged through the establishment of historic preservation overlay districts. Designation of an area as an historic district and the development of design standards for the area help preserve the architectural integrity of the area and stabilize and enhance property values. Historic districts, protected by designation as preservation overlays, serve as valuable educational tools and as tourist attractions.

e. Amend Section 7-9-2. Historic Preservation Overlay District. by replacing it in its entirety with the following:

Sec. 7-9-2. - Historic Preservation Overlay District.

(a) *Purpose.* Local historic districts are hereby deemed important assets of the City of Asheville. The historic districts are established for the purpose of protecting and conserving the heritage of the City of Asheville, Buncombe County and the State of North Carolina; for the purpose of safeguarding the character and heritage of the historic districts by preserving the historic districts as a whole and individual property therein that embodies important elements of its culture, history, architectural history, or prehistory; for the purpose of promoting the conservation of such historic districts for the education, pleasure and enrichment of the residents of the historic districts, the City of Asheville, Buncombe County, and the State of North Carolina as a whole; for the purpose of fostering civic beauty; and for the purpose of stabilizing and enhancing property values throughout the historic districts as a whole; thereby contributing to the improvement of the general health and welfare of the City of Asheville and the residents of the historic districts.

(b) *Establishment of the historic districts.* Pursuant to N.C. Gen. Stat. § 160D-944, local historic districts are hereby established as districts which overlay the general use zoning districts, the extent and boundaries of which historic districts are indicated on the official zoning maps for the City of Asheville. The city hereby re-adopts and designates as historic districts those historic districts described in Appendix 7E of this chapter. Additional local historic districts may be established following the required statutory procedure.

(c) *Historic district commission.* The Asheville-Buncombe Historic Resources Commission ("HRC") established by the City of Asheville in Ordinance No. 1109, and by the County of Buncombe in Ordinance No. 1644, shall constitute a joint preservation commission and shall have the powers of a joint preservation commission as set forth in Part 4 of Article 9 Chapter 160D of the North Carolina General Statutes, or its successor.

(d) *Permitted uses.* The historic districts contain several zoning classifications. All uses permitted in each of the zoning districts shall be permitted in the historic district pursuant to the requirements set forth in that zoning classification. Provided, however, when the provisions of this section 7-9-2, and the guidelines and regulations promulgated hereunder, impose higher standards than are required for that zoning classification, the provisions of this section, and the regulations and guidelines promulgated hereunder, shall govern.

(e) *Compliance with requirements.* Structures within the historic districts shall meet all requirements and standards of article VIII of this chapter in addition to those set forth in this section. Provided, however, no structure or part thereof within the historic districts shall extend nearer to or be required to be set back further from the front property line than the arithmetic mean distance of the setbacks of the nearest principal building within 150 feet on each side of such building and fronting on the same side of the street. Additionally, proposed subdivisions within historic districts must be reviewed by the HRC as part of the overall subdivision review process in accordance with article XV of this chapter.

(f) *Authentic restoration and reconstruction.*

(1) Authentic restoration or reconstruction is permitted, subject to approval of the HRC, even though the authentic restoration or reconstruction does not meet with current setback and other requirements and standards of article VIII of this chapter. Authentic restoration or reconstruction shall mean exact replication of an historic structure to include, but not limited to siting, scale, massing, and materials of structure. Where it is found by the HRC that an application for a building permit covers activity consisting of an authentic restoration or reconstruction in the same location as the original location and in the original structural conformation for a structure of historic and/or architectural significance to the historic district, such activity may be approved by the HRC.

(2) The board of adjustment hears requests for variances from the requirements for setback and other standards established by article VIII of this chapter.

a. The board of adjustment, may attach reasonable and appropriate conditions to the granting of such variances so that the public health, safety, and general welfare shall be protected.

b. The board of adjustment shall not be authorized, in action undertaken by this subsection, to approve a use of property which is not permitted by right within the zoning district in which the property is located.

(g) *Parking waiver.* Where the HRC, in considering an application for a certificate of appropriateness, shall find that the number of off-street parking spaces required by zoning regulations for a building or structure for which a building permit is requested would render the building incongruous with the historic aspects of the historic district, it may recommend to the board of adjustment that a variance be granted from the off-street parking requirements.

The board of adjustment may authorize a lesser number of off-street parking spaces provided the board finds, in addition to the required findings for granting a variance, as follows:

(1) That the reduced number of spaces will not create problems due to increased on-street parking; and

(2) That the reduced number of spaces will not constitute a threat to the public safety.

(h) *Certificate of appropriateness.*

(1) From and after the designation of a historic district, no exterior portion of any building or other structure (including masonry walls, fences, light fixtures, steps, pavement, landscape and color or other appurtenant features), nor above ground utility structure, nor any type of outdoor advertising sign shall be erected, altered, restored, moved or demolished within such historic district until after an application for a certificate of appropriateness has been submitted to and approved by the HRC. Further, no historic sign, significant landscape, archeological and natural features of the area associated with such a structure or building shall be altered, moved, or removed within such historic district until after an application for a certificate of appropriateness has been submitted to and approved by the HRC. Further, no subdivision of land within an historic district shall be approved until it has been reviewed and approved in accordance with the provisions of section 7-5-8 of this chapter. This provision shall not apply to subdivisions which are exempted pursuant to section 7-15-1 of this chapter.

No building permit granted for the purposes of constructing, altering, moving, or demolishing structures within the historic districts shall be issued prior to the issuance of a certificate of appropriateness by the HRC.

A certificate of appropriateness may be issued subject to reasonable conditions to carry out the purposes of this section. A certificate of appropriateness shall be required whether or not a building permit is required. Any building permit or such other permit not issued in conformity with this section shall be invalid.

For the purpose of this section, "exterior features" shall include the architectural style, general design, and general arrangement of the exterior building or other structure, including the kind, texture and color of the building materials, the size and scale of the building, and the type, color and style of all windows, doors, light fixtures, signs and other appurtenant fixtures and important landscape and natural features of the lot on which the building or other structure is located. In the case of outdoor advertising signs, "exterior features" shall be construed to mean the style, material, size, and location of all such signs. Such "exterior features" also included historic signs, significant landscape, archaeological, and natural features of the area.

The HRC shall have no jurisdiction over interior arrangement and shall take no action under this section except for the purpose of preventing the construction, reconstruction, alteration,

restoration, moving, or demolition of buildings, structures, appurtenant fixtures, outdoor advertising signs, or other significant features in the historic district which would be incongruous with the special character of the historic district.

(2) *Permitted alterations and uses for historic buildings within historic district.* Nothing in this section shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature in the historic district which does not involve a substantial change in design, material, or outer appearance thereof, nor to prevent the construction, re-construction, alteration, restoration, or demolition of any such feature which the chief building inspector of his designee shall certify in writing to the HRC is required by the public safety because of an unsafe or dangerous condition.

(3) *Delay in demolition of buildings within historic district.* An application for a certificate of appropriateness authorizing the relocation, demolition, or destruction of a building or structure or the removal or obliteration of an archeological resource within the historic district may not be denied except for as set forth hereinafter. However, the effective date of such a certificate may be delayed for a period of up to 365 days from the date of approval of the certificate of appropriateness. The maximum period of delay authorized by this subsection shall be reduced by the HRC where it finds that the owner would suffer extreme hardship or be permanently deprived of all beneficial use of or return from such property by virtue of the delay. During such period the HRC may negotiate with the owner and with any other parties in an effort to find a means of preserving the building, structure or site. If the HRC finds that the building, structure or site has no special significance or value toward maintaining the character of the historic district, it shall waive all or part of such period and authorize earlier demolition or removal.

If the HRC has voted to recommend designation of an area as a historic district, and final designation has not been made by the city council, the demolition or destruction of any building, structure, or site located in the proposed historic district may be delayed by the HRC for a period of up to 180 days or until the city council takes final action on the designation, whichever occurs first.

It shall constitute a violation of this chapter by the property owner where any building or structure which is located within a historic district is subject to demolition by neglect; provided, however, where the property owner can show evidence of undue economic hardship satisfactory to the HRC, no violation shall be deemed to have occurred.

An application for a certificate of appropriateness authorizing the demolition or destruction of a building, structure, or site determined by the State Historic Preservation officer, or his/her successor, as having statewide significance as defined in the criteria of the National Register of Historic Places may be denied except where the HRC finds that the owner would suffer extreme hardship or be permanently deprived of all beneficial use or return by virtue of the denial.

The procedures for obtaining a certificate of appropriateness are set forth in section 7-5-11 of this chapter.

Chapter 8 of the Code of Ordinances of the City of Asheville is hereby amended and replaced in its entirety as follows:

Chapter 8 - HISTORIC PRESERVATION

Sec. 8-1. -Value of Historic Preservation.

As stated in North Carolina General Statute 160D-940, the heritage of our State is one of our most valued and important assets. The conservation and preservation of historic districts and landmarks stabilize and increase property values and strengthen the overall economy of the State. Therefore, local

governments are authorized within their respective planning and development regulation jurisdictions and by means of listing, regulation, and acquisition:

(1) To safeguard the heritage of the city or county by preserving any district or landmark therein that embodies important elements of its culture, history, architectural history, or prehistory; and
(2) To promote the use and conservation of such district or landmark for the education, pleasure and enrichment of the residents of the city or county and the State as a whole.

Sec. 8-2. - Definitions.

[For the purposes of this chapter, certain terms shall have the meanings ascribed to them in this section, unless the context clearly indicates otherwise.]

Alteration means any change because of construction, repair, maintenance or otherwise to buildings located within a historic district or to buildings designated as a historic landmark.

Archeological resource means that material evidence of past human activity which is found below the surface of the ground or water, portions of which may be visible above the surface.

Building means any structure, place or any other construction built for the shelter or enclosure of persons, animals or chattels or any part of such structure when subdivided by division walls or party walls extending to or above the roof and without openings in such separate walls.

Certificate of appropriateness means a document evidencing approval by the historic resources commission for work proposed in a historic district or to or on a historic landmark.

Commission means the Historic Resources Commission of Asheville and Buncombe County, as established in Chapter 7 of the Code of Ordinances of the City of Asheville.

Commissioners means the members of the Historic Resources Commission of Asheville and Buncombe County.

Construction means the erection of any onsite improvements on any parcel of ground located within a historic district or on or to a historic landmark, whether the site is presently improved, unimproved or becomes unimproved by demolition, destruction of the improvements located thereon by fire, windstorm or other casualty after the adoption of the ordinance from which this section derives.

Demolition means the complete or constructive removal by an applicant of a building on any historic landmark or in any historic district.

Department means the North Carolina Department of Cultural Resources, or its successor.

Designation means the creation of an historic district or an historic landmark through the passage of an ordinance by the appropriate governing body.

Exterior architectural features means the architectural style, general design and general arrangement of the exterior of a building or other structure, including the color, the kind and texture of the building material and the type and style of all windows, doors, light fixtures, signs and other appurtenant fixtures. In the case of outdoor advertising signs, exterior architectural features shall be construed to mean the style, material, size and location of all such signs.

Governing body or *body* means the city council and the county board of commissioners, as their authority applies.

Historic district means an overlay district established by the Asheville City Council for an area deemed to be of special significance in terms of its history, prehistory, architecture, and/or culture, and to possess integrity of design, setting, materials, feeling and/or association.

Historic landmark means any building, structure, site, artifact above or below ground, area or object which is designated as a historic landmark by ordinance of either the city council or the board of commissioners of Buncombe County due to its special significance in terms of its historical, pre-historical, architectural or cultural importance and its possession of integrity of design, setting, workmanship, materials, feeling and/or association.

Local planning board means the planning and zoning commission of the City of Asheville or a similar agency to be named for Buncombe County.

Ordinary repairs and maintenance means work done on a building to prevent it from deterioration or to replace any part thereof in order to correct any deterioration, decay or damage to a building or any part thereof in order to restore such building as nearly as practical to its condition prior to such deterioration, decay or damage.

Sec. 8-3. -Historic Preservation Commission

(1) *Creation of Commission.* Before it may designate one or more landmarks or historic districts, a local government shall establish or designate a historic preservation commission. The Historic Resources Commission of Asheville Buncombe County has been established by the City of Asheville in Ordinance No. 1109, and by the County of Buncombe in Ordinance No. 1644. The Historic Resources Commission operates in accordance with the provisions of Chapter 7, Article III, Sec. 7-3-4 of the Asheville City Code.
(2) *Appropriations to Commission.* The City Council and County Commission may make appropriations to the Historic Resources Commission in any amount that it may determine necessary for the expenses of the operation of the historic resources commission and may make available any additional amounts necessary for the acquisition, restoration, preservation, operation and management of historic buildings, structures, sites, areas or objects designated as historic landmarks or of land on which historic buildings or structures are located or to which they may be removed.
(3) *Designation of Ownership.* All historic landmarks acquired by funds appropriated by the city or county shall be acquired in the name of the city or county, unless otherwise provided by the governing body. So long as such property is owned by the city or county, historic landmarks may be maintained by or under the supervision and control of the city or county. However, all historic landmarks acquired by the commission from funds other than those appropriated by the city or county may be acquired and held in the name of the commission, the city or county or both.

Sec. 8-4. - Designation of Historic Districts; Role of Governing Body and Preservation Commission

(1) The City of Asheville has, as part of its zoning regulations, designated one or more historic districts within its jurisdiction pursuant the requirements of N.C. Gen. Stat. sec. 160D-944. The Historic Preservation District provisions can be found in Chapter 7, Article IX, Sec. 7-9-2 of the Asheville City Code. Until and unless the Buncombe County Board of Commissioners adopts a zoning regulation , or development regulation, the provisions of the aforementioned ~~is~~ section shall apply only to the City of Asheville and its zoning jurisdiction.

(2) *Historic District Designation Procedure in General.*

(a) Role of the governing body

a. The city council may designate by regulation, and from time to time amend by regulation, one or more historic districts. Such regulation may treat historic districts either as a separate use district classification or as use districts which overlap other zoning districts. Where historic districts are designated as separate use districts, the ordinance may include among permitted uses those uses found by the historic resources commission to have

existed during the period sought to be restored or preserved or to be compatible with the authentic restoration or preservation of the district.

b. No historic district or districts shall be designated until:

1. An investigation and report on the historic significance of the buildings, structures, features, sites or surroundings, evidence of which is above or below the surface of the ground or water, included in any such proposed district, and shall have prepared a description of the boundaries of such district.

2. The Department of Cultural Resources, acting through the State Historic Preservation Officer or his or her designee, shall have made an analysis of and recommendations concerning such report and description of proposed boundaries. Failure of the department to submit its analysis and recommendations to the city within 30 days after a written request for such analysis has been mailed to it shall relieve the city of any responsibility for awaiting such analysis, and the city may at any time, thereafter take any necessary action to adopt or amend its regulation.

3. The city council may also in its discretion refer the report and proposed boundaries to any local preservation commission or other interested body for its recommendations prior to taking action to amend the zoning regulation.

4. On receipt of these reports and recommendations, the city council may proceed in the same manner as would otherwise be required for the adoption or amendment of any appropriate zoning regulation.

5. An historic district zoning or development regulation may regulate the location or screening of solar collectors and may encompass requiring the use of plantings or other measures to ensure that the use of solar collectors is not incongruous with the special character of the district.

(b) *Role of preservation commission.*

(1) The commission may recommend to the governing board areas to be designated by ordinance as "Historic Districts".

Sec. 8-5. - Designation of historic landmarks; role of governing body and preservation commission.

(a) *Generally.* The designation of an historic landmark shall be effected through an ordinance adopted by the city council or by the board of commissioners for Buncombe County.

(b) *Adoption of ordinance; criteria for designation.* Upon complying with Part 4 of Article 9 of Chapter 160D of the North Carolina General Statutes, the city council or county commission may adopt and from time to time amend or repeal an ordinance designating one or more historic landmarks. No property shall be recommended for designation as a historic landmark unless it is deemed and found by the preservation commission to be of special significance in terms of its historica, prehistoric, architectural, or cultural importance, and to possess integrity of design, setting, workmanship, materials, feeling and/or association.

(c) *Ordinance requirements.* The ordinance shall describe such landmark designated in the ordinance, the name or names of the owner or owners of the property, those elements of the property that are integral to its historical, architectural, or prehistoric value, including the land area of the property so designated, and any other information the governing body deems necessary. For each building, structure, site, area or object designated as an historic landmark, the ordinance shall require that a 365-day waiting period be observed prior to its demolition. If the preservation commission has voted to recommend designation of a property as a landmark, and final designation has not been made by

the governing board, the demolition or destruction of any building, site, or structure located on the property of the proposed landmark may be delayed by the preservation commission for a period of up to 180 days or until the governing board takes final action on the designation, whichever occurs first. For each designated historic landmark, the ordinance shall also provide for a suitable sign on the landmark stating that the landmark has been so designated. If the owner consents, the sign shall be placed upon the landmark. If the owner objects, the sign shall be placed on a nearby public right-of-way.

Sec. 8-6. - Historic landmarks designation procedures.

(a) *Required procedures.* No ordinance designating an historic building, structure, site, area or object as a historic landmark, nor any amendment thereto, may be adopted nor may any property be accepted or, acquired by the commission or the governing body of the city or county, until the following procedural steps have been taken:

(1) The commission shall make or cause to be made an investigation and report on the historic, architectural, prehistorical, educational or cultural significance of each historic landmark proposed for designation. Such investigation shall be forwarded to the Office of Archives and History, North Carolina Department of Cultural Resources.

(2) The Department of Cultural Resources, acting through the State Historic Preservation Officer shall, upon request of the department or at the initiative or the preservation commission, be given an opportunity to review and comment upon the substance and effect of the designation of any landmark . Any comments shall be provided in writing. If the Department does not submit its comments or recommendations in connection with any designation within 30 day following receipt by the Department of the investigation and report of the preservation commission, the commission and any governing board shall be relieved of any responsibility to consider such comments.

(3) The preservation commission and the governing body shall hold public hearings, jointly or separately, on the proposed ordinance. Pursuant to 160D-601, notice of each hearing shall be given once a week for two successive calendar weeks in a newspaper having general circulation in the area. All such notices shall be published or mailed not less than ten nor more than 25 days prior to the date set for the public hearing.

(4) Following the required public hearing, the governing body may adopt the ordinance as proposed, adopt the ordinance with amendments it deems necessary or reject the proposal.

(5) Upon adoption of the ordinance, the owner(s) and occupant(s) of each designated historic landmark shall be given written notice of such designation within a reasonable time.One copy of the ordinance and each amendment thereto shall be filed by the commission in the office of the register of deeds of the county in which the landmark or landmarks are located.For any property lying within the zoning jurisdiction of the city, a second copy of the ordinance and each amendment thereto shall be kept on file in the office of the city clerk and be made available for public inspection at any reasonable time. A third copy of the ordinance and each amendment thereto shall be given to the city or county building inspector. The fact that a building, structure, site, area or object has been designated an historic landmark shall be clearly indicated on all tax maps maintained by the county or city for such period as the designation remains in effect.

(6) Upon the adoption of the historic landmarks ordinance or any amendment thereto, it shall be the duty of the commission to give notice thereof to the tax supervisor of the county in which the property is located. The designation and any recorded restrictions upon the property limiting its use for preservation purposes shall be considered by the tax supervisor in appraising it for tax purposes.

Sec. 8-7 Certificate of Appropriateness Required.

(a.) From and after designation, no local historic landmark shall be materially altered, restored, moved or demolished without issuance of a certificate of appropriateness indicating approval of such action or change in accordance with the provisions of Chapter 7, Article V, Sec. 7-5-11 of the Asheville City Code. This subsection applies to stone walls, fences, exterior light fixtures, steps, pavement, doors and windows and any other appurtenant features of the property specifically designated as significant to its historic or architectural character. The governing body shall require such a certificate to be issued by the commission prior to the issuance of a building permit or any other permit granted for purposes of construction or altering structures. A certificate of appropriateness shall be required whether or not a building permit is required. The fee for a certificate of appropriateness shall be as set forth in the city's fees and charges manual.

(b.) The Secretary of the Interior's Standards for Rehabilitation and Illustrated Guidelines for Rehabilitating Historic Buildings, published by the U.S. Department of the Interior, shall be the standard for reviewing applications for certificates of appropriateness for historic landmarks.

Sec. 8-85. - Delay in demolition of historic landmarks and buildings within historic districts.

(a) An application for a certificate of appropriateness authorizing the relocation, demolition or destruction of a designated historic landmark or a building, structure or site within an historic district may not be denied except as provided in subsection (c) hereinafter. However, the effective date of such a certificate of appropriateness may be delayed for a period of up to 365 days from the date of approval. The maximum period of delay authorized by this subsection shall be reduced by the preservation commission where it finds that the property owner would suffer extreme hardship or be permanently deprived of all beneficial use of or return from such historic property by virtue of the delay. During such period the commission shall negotiate with the owner and any other parties in an effort to find a means of preserving the historic building or site.

If the commission has voted to recommend designation of a property as a historic landmark or designation of an area as a district, and final designation has not been made by the local governing board, the demolition or destruction of any historic landmark may be delayed by the commission for a period of up to 180 days or until the local governing board takes final action on the designation, whichever occurs first.

(b) An application for a certificate of appropriateness authorizing the demolition or destruction of a building, site or structure which has been determined by the State Historic Preservation Officer as having statewide significance as defined in the criteria of the National Register of Historic Places may be denied except where the preservation commission finds that the owner would suffer extreme hardship or be permanently deprived of all beneficial use or return by virtue of the denial.

Sec. 8-9. - Certain changes to structures in a historic district or on a landmark not prohibited.

Nothing in this chapter shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature in a historic district or of a landmark that does not involve a change in design, material or appearance thereof nor to prevent the construction, reconstruction, alteration, restoration, moving or demolition of any such feature that a building inspector or similar official shall certify is required by the public safety because of an unsafe or dangerous condition. Nothing in this chapter shall be construed to prevent a property owner from making any use of his property ~~that is~~ not prohibited by other law. Nothing in this chapter shall be construed to prevent a) the maintenance, or b) in the event of an emergency the immediate restoration of any existing above-ground utility structure without approval by the preservation commission.

Sec. 8-10. - Public Buildings.

All of the provisions of this chapter are applicable to construction, alteration, moving and demolition by the State of North Carolina, its political subdivisions, agencies and instrumentalities, provided however, they shall not apply to interiors of buildings or structures owned by the State of North Carolina.The State and its agencies shall have a right of appeal to the North Carolina Historical Commission or any successor agency assuming its responsibilities under N.C.G.S. 121-12(a) from any decision of a local preservation commission. The North Carolina Historical Commission shall render its decision within 30 day from the date that the notice of appeal by the State is received by it. The current edition of the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings shall be the sole principles and guidelines used in reviewing application of the State for certificates of appropriateness. The decision of the North Carolina Historical Commission shall be final and binding upon both the State and the preservation commission.

Sec. 8-11. - Authority to prevent demolition, alteration or violation of ordinance.

If any building, structure, site, located within an historic district or any feature of a property designated an historic landmark is about to be demol shed, whether as the result of deliberate neglect or otherwise, materially altered, remodeled or removed, except in compliance with the ordinance enacted under authority of this chapter and Chapter 7 of the City Code as it relates to historic preservation, the city may institute any appropriate action or proceedings to prevent such unlawful demolition, material alteration, remodeling or removal, to restrain, correct or abate such violation or to prevent any illegal act or conduct with respect to such property.

Sec. 8-12. - Civil penalty.

Unless otherwise provided in the Code of Ordinances of the City of Asheville or in State law, persons violating the provisions of this chapter and Chapter 7 of the City Code as it relates to historic preservation, shall be assessed a civil penalty as provided in Appendix B to the Code of Ordinances.

Sec. 8-13. - Historic landmarks listing.

The list of historic landmarks which have been designated by the City Council or by the Buncombe County Board of Commissioners and now located within the corporate limits of the city is set forth in Appendix D to the Code of Ordinances.

Section 2: If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 3: All ordinances or parts of ordinances in conflict are hereby repealed to the extent of such conflict.

Section 4: This ordinance will become effective upon adoption.

Read, approved, and adopted this 27th day of October, 2020.

178

Magdalen Bruleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bruleson
City Clerk

ORDINANCE NC. 4837

ORDINANCE AMENDING CHAPTER 7 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE TO ALIGN THE UNIFIED DEVELOPMENT ORDINANCE TO CONFORM WITH THE REQUIREMENTS OF SESSION LAW 2019-111, COMMONLY REFERRED TO AS CHAPTER 160D.

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety, and welfare; and

WHEREAS, the Unified Development Ordinance (Chapter 7 of the City Code of Ordinances) (herein "UDO") specifies standards, processes and regulations for development and land use; and

WHEREAS, the North Carolina legislature recently enacted Session Law 2019-111, "An Act to Clarify, Consolidate, and Reorganize the Land-Use Regulatory Laws of the State" commonly referred to as N.C.G.S. Chapter 160D on June 19, 2020; and

WHEREAS, the new law provided flexibility to local governments in the timing for adoption of amendments to conform local development regulations to the new statute, allowing local governments to enact their amendments immediately, if they so choose. Local governments are not required to enact the conforming amendments until July 1, 2021; and

WHEREAS, the City of Asheville has determined that it is its best interest to enact amendments to conform with the new 160D as soon as we are able and the text amendments herein, align several sections of the UDO with N.C.G.S. 160D; and

WHEREAS, the City's adopted "Living Asheville Comprehensive Plan" encourages Responsible Regionalism that seeks to improve regional collaboration, coordination and communication and the proposed text amendments meet that goal by aligning the City's development code with the State statutes; and

WHEREAS, this revision aligns with the City Council goals to update the Unified Development Ordinances in order to reflect recommendations in the Comprehensive Plan; and

WHEREAS, this Ordinance is determined to be reasonable, in the public interest, and is consistent with the Comprehensive Plan in that it promotes responsible growth based on holistic decision making and brings City ordinances into compliance with the new North Carolina General Statute regarding land use development regulations, N.C.G.S. 160D;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1: Chapter 7 of the Code of Ordinances of the City of Asheville is hereby amended as follows:

a. Amend section 7-2-5. Definitions as follows:

(1) Add the following definitions to section 7-2-5 to read:

Administrative decision means decisions made in the implementation, administration, or enforcement of development regulations that involve the determination of facts and the application of objective standards set forth in this chapter.

Administrative hearing means a proceeding to gather facts needed to make an administrative decision.

Bedroom means a room in which you sleep.

Building Connection means any structure having a roof supported by columns or by walls, and intended for shelter, housing or enclosure of persons, animals, property or business activity. The connection of two buildings by means of an open porch, breezeway, passageway, carport or other such open structure, with or without a roof, shall not be deemed to make them one building. The connection of two buildings by an enclosed corridor connector where the buildings connected are not less than 50 feet apart at all points, and the connecting corridor is not less than 50 feet in length nor more than 15 feet in inside width, one story in height, and the outside walls of which contain not less than 30 percent glazing, shall not be deemed to make them one building provided the corridor has no other use than as a passage from one building to the next.

Development approval means an administrative, legislative or quasi-judicial approval made pursuant to this chapter that is written and that is required prior to commencing development or undertaking a specific activity, project, or development proposal. Development approvals include, but are not limited to, zoning permits, site plan approvals, special use permits, variances, and certificate of appropriateness. The term also includes all other regulatory approvals required by regulations adopted pursuant to this Chapter, including plat approvals, permits issued, development agreements entered into, and building permits issued.

Development regulation means unified development ordinance, zoning regulation, subdivision regulation, erosion and sedimentation control regulation, floodplain or flood damage prevention regulation, mountain ridge protection regulation, stormwater control regulation, wireless telecommunication facility regulation, historic preservation or landmark regulation, housing code, State Building Code enforcement, or any other regulation adopted pursuant to this Chapter, or a local act or charter that regulates land use or development.

Dwelling means a building that contains one or two *dwelling units* used, intended or designed to be used, rented, leased, let, or hired out to be occupied for living purposes.

Legislative decision means the adoption, amendment or repeal of a regulation under this section. The term also includes the decision to approve, amend, or rescind a development agreement consistent with Articles V and VII of this Chapter.

Legislative hearing means a hearing to solicit public comment on a proposed legislative decision.

Quasi-Judicial Decision means a decision involving the finding of facts regarding a specific application of a development regulation and that requires the exercise of discretion when applying the standards of the regulation. The term includes, but is not limited to, decisions involving variances, special use permits, certificates of appropriateness, and appeals of administrative determinations. Decisions on subdivision plats and site plans are quasi-judicial in nature if the regulation authorizes a decision-making board to approve or deny the application based not only upon whether there application complies with the specific requirements set forth in the regulation, but also on whether the application complies with one or more regularly stated standards requiring discretionary decision on the findings to be made by the decision-making board.

Quasi-Judicial Hearing means an evidentiary hearing to gather competent., material, and substantial evidence in order to make findings for a quasi-judicial decision.

Sleeping unit means a room or space in which people sleep, which can also include permanent provisions for living, eating, and either sanitation or kitchen facilities but not both. Such rooms and spaces that are also part of a *dwelling unit* are not sleeping units.

Special use permit means A permit issued to authorize development or land uses in a particular zoning district upon presentation of competent, material, and substantial evidence establishing compliance with one or more general standards requiring that judgment and discretion be exercised as well as compliance with specific standards. The term includes permits previously referred to as conditional use permits or special exceptions.

(2) Replace the following definitions within their entirety in 7-2-5 as follows:

Building means any structure used or intended for supporting or sheltering any use or occupancy.

Conditional use permit (see "Special Use Permit");

Developer means A person, including a governmental agency or redevelopment authority, who undertakes any development and who is the landowner of the property to be developed or who has been authorized by the landowner to undertake development on that property.

Development means any of the following, unless context clearly indicates otherwise: the construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site, or demolition of any structure; the excavation, grading, filling, clearing, or alteration of land; the subdivision of land; the initiation or substantial change in the use of land or the intensity of use of land. This definition does not alter the scope of regulatory authority granted by this Chapter.

Dwelling unit means one or more rooms physically arranged so as to create an independent housekeeping establishment for occupancy by one family with separate toilets, sleeping rooms, and a kitchen.

Historic resources commission means a joint preservation commission established under Article 9 of Chapter 160D of the North Carolina General Statutes (or its successor), with members appointed by the Asheville City Council and by the Buncombe County Board of Commissioners.

Manufactured housing community (manufactured home park) means a parcel of land under single ownership that has been planned and improved for the placement of three or more manufactured homes for dwelling purposes. This definition shall include recreational buildings, service buildings, and areas necessary to provide laundry, sanitation, storage, vending machines, and other similar services provided by the facility operator for the use and convenience of the manufactured home occupants.

Planning and development director means the Planning and Urban Design director or the Development Services director of the City of Asheville, North Carolina, or his/her staff member delegated with the authority and responsibility to administer this chapter. Any act authorized by this chapter to be carried out by the planning and development director is, by implication, authorized to be carried out by a designee of the planning and development director.

Site specific development plan means for the purposes of applying for zoning vested rights approval under section 7-5-15 of this chapter, this term shall mean a plan of land development submitted to the City of Asheville by a landowner or agent for purposes of obtaining one of the following zoning or land use permits or approvals means:

(1) Level II site plan approval as defined by section 7-5-9 of this chapter. Said plan shall contain all items of information required by the provisions of section 7-5-9.

(2) Level I site plan approval as defined by section 7-5-9 of this chapter. Said plan shall contain all items of information required by the provisions of section 7-5-9.

(3) Preliminary plat approval of a proposed subdivision as described in section 7-5-8 of this chapter. Said plan shall contain all items of information required by the provisions of section 7-5-8.

Notwithstanding the foregoing, neither a sketch plan nor any other document that fails to describe with reasonable certainty the type and intensity of use for a specified parcel or parcels of

182

property or which has not been formally reviewed shall constitute a site specific development plan. Neither an application for nor granting of a variance shall constitute a site specific development plan.

Tattoo parlor means an establishment whose principal business activity, either in terms of operation or as held out to the public, is the practice of placing designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments to contact or puncture the skin.

b. Amend section 7-12-1(a)(1) Flood Protection by replacing in its entirety as follows:

Authority: This section is adopted pursuant to Part 6, Article 21 of Chapter 143; Part 23 of Article 9 of Chapter 160D; and Article 8 of Chapter 160A of the North Carolina General Statutes.

c. Amend section 7-12-1(h)(2) Flood Protection by replacing in its entirety as follows:

Notice of violation: If through inspection, it is determined that a person has violated this section, the office of the floodplain administrator shall immediately serve a notice of violation upon that person. The notice shall be in writing and served by personal delivery, electronic delivery or by certified or registered mail, return receipt requested. In addition service may be made in accordance with Rule 4 of the N.C. Rules of Civil Procedure. The notice of violation shall be served upon the holder of the development approval and the landowner of the property involved, if the landowner is not the holder of the development approval, and may provide by similar means to the occupant of the property or the person undertaking the work or activity in addition the notice of violation may be posted on the property involved, in accordance with N.C. Gen. Stat. 160D-404(a). The violation notice shall contain the following:

a. That the building or property is in violation of this section, the measures needed to comply, the time within such measures must be completed and warn that failure to correct the violation within the time period shall subject the violator and/or property owner to civil and/or other enforcement action.
b. In determining the measures required and the time allowed for compliance, the office of the floodplain administrator shall take into consideration the economic feasibility, technology, the quantity of work required, and shall set reasonable and attainable time limits of compliance.

d. Amend section 7-12-1(i)(5) Flood Protection by replacing in its entirety as follows:

Stop work order: If, through inspection, it is determined that a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this section, or other applicable local development regulation or any State law delegated to the local government for enforcement purposes in lieu of the State undertaken in substantial violation of any State or local law, or in a manner that endangers life or property, staff may order the work or activity to be immediately stopped. The stop-work order shall be in writing and directed to the person doing or in charge of the work. The stop-work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed. The City shall send the Stop Work Order in writing pursuant to section 7-12-1(h)(2) above.

e. Amend section 7-12-1(i)(6) Flood Protection by replactin in its entirety as follows:

Revocation: The floodplain administrator may revoke and require the return of the floodplain development permit by notifying the permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, and specifications; for refusal or failure to comply with the requirements of state or local laws; or for false statements or misrepresentations made in securing the permit. Any floodplain development permit mistakenly issued in violation of an applicable State or local law may also be revoked. The notice of revocation shall be served in writing pursuant to section 7-12-1(h)(1)

above, stating the reason for the revocation and the revocation shall follow the same permit approval and review process required for issuance of the permit, including notice requirements.

f. Replace section 7-12-1(i)(7) Flood Protection its entirety as follows:

(7) *Permit reinstatement.* A new permit application and approved plan including all permit fees must be submitted prior to reinstatement of the revoked permit. For permit reinstatement, the site must be deemed to be in compliance with the requirements of this section and all penalties have been paid in full or penalty appeal has been filed within the given time frame.

g. Replace section 7-12-1(i)(8) Flood Protection in its entirety as follows:

(8) *Order to abate:* If, subsequent to an appeal hearing, the floodplain administrator find that the building or development is in violation of this section, a written order shall be issued to the property owner requiring the owner to remedy the violation and such remedial action may consist of an order to alter, vacate, remove, or demolish the building, as long as the notice of violation provided prior notice that such an order may be entered and such order may require that such remedial action be taken not less than 60 calendar days, nor more than 180 calendar days. Where the floodplain administrator finds that there is imminent danger to life or other property, the order may require that corrective action be taken in such lesser period as may be feasible. An appeal maybe taken from the order as set forth herein.

h. Add section 7-12-1(i)(9) Flood Protection as follows:

(9) *Action for failure to comply and failure to appeal and/or pay:* If violations are not cured or corrected within the time specified in the notice of violation and/or the violator fails to give timely notice of appeal or fails to pay the civil penalty assessed within the prescribed time period, then the matter may be referred to the city's debt set-off program and/or referred to the city attorney for institution of a civil action in the name of the city in a court of competent jurisdiction. In addition to, or in lieu of, the other remedies set forth in this section, the city attorney may institute an injunctive action, mandamus action, or other appropriate proceeding. Upon determining that an alleged violation is occurring or is threatened, a court hearing an appeal for relief shall enter such orders and/or judgments as are necessary to abate or prevent the violation. The institution of an action for injunctive or other relief under this section shall not relieve any party to such proceeding from any civil penalty prescribed by this section for violations of this section.

i. Amend section 7-12-2(a)(1) Stormwater, soil erosion and sedimentation control, illicit discharge and connection ordinance by replacing in its entirety as follows:

Authority: This section is adopted pursuant to NCGS 143-214.7 and applicable rules promulgated by the North Carolina Environmental Management Commission (NCEMC) thereunder; Session Law 2006-246; Chapter 160A (Cities and Towns), Article 14; Chapter 160D (Local Planning and Development Regulation) Article 9; Section 5 of the North Carolina Constitution; Chapter 113A, Article 4 (Sedimentation Pollution Control); Article 21, Part 6 (Floodway Regulations).

j. Amend section 7-12-2(h)(3)Stormwater, soil erosion and sedimentation control, illicit discharge and connection ordinance by replacing in its entirety as follows:

Notice of violation: If through inspection, it is determined that a person has violated this section, the office of the stormwater administrator shall immediately serve a notice of violation upon that person. The notice shall be in writing and served by personal delivery, electronic delivery or by certified or registered mail, return receipt requested. In addition service may be made in accordance with Rule 4 of the N.C. Rules of Civil Procedure. The notice of violation shall be served upon the holder of the development approval and the landowner of the property involved, if the landowner is not the holder of the development approval and may provide by similar means to the financially responsible party or occupant of the property or the person undertaking the work

or activity. In addition the notice of violation may be posted on the property involved, in accordance with N.C. Gen. Stat. 160D-404(a). The notice shall contain the following:

a. The measures needed to comply, the time within such measures must be completed and warn that failure to correct the violation within the time period shall subject the violator to civil and/or other enforcement action.

b. In determining the measures required and the time allowed for compliance, the office of the stormwater administrator shall take into consideration the economic feasibility, technology, the quantity of work required, and shall set reasonable and attainable time limits of compliance.

k. Amend section 7-12-2(i)(7) Stormwater, soil erosion and sedimentation control, illicit discharge and connection ordinance as follows:

Revocation: The stormwater administrator may revoke any grading and/or stormwater permit if the site is not brought into compliance within the time period for cure as set forth in the notice of continuing violation and permit suspension. The notice of revocation shall be served in writing pursuant to section 7-12-2(h)(3) above, stating the reason for the revocation and the revocation shall follow the same permit approval and review process required for issuance of the permit, including notice requirements.

l. Replace section 7-12-2(i)(8) Stormwater, soil erosion and sedimentation control, illicit discharge and connection ordinance its entirety as follows:

(8) Permit reinstatement: A new permit application and approved plan including all permit fees must be submitted prior to reinstatement of the revoked permits. For permit reinstatement, the site must be deemed to be in compliance with the requirements of this section and all penalties have been paid in full or penalty appeal has been filed within the given time frame.

m. Replace section 7-12-2(i)(9) Stormwater, soil erosion and sedimentation control, illicit discharge and connection ordinance in its entirety as follows:

(9) *Stop work order:* If, through inspection, it is determined that a land disturbing activity is being conducted in violation of this section or of any rule adopted or order issued pursuant to this section, or other applicable local development regulation or any State law delegated to the local government for enforcement purposes in lieu of the State undertaken in substantial violation of any State or local law, or in a manner that endangers life or property, and that the violation is knowing and willful, and that either: (a) off-site sedimentation has eliminated or severely degraded a use in a lake or natural watercourse or that such degradation is imminent; or (b) off-site sedimentation has caused severe damage to adjacent land or that such damage is imminent; or (c) the land disturbing activity is being conducted without an approved plan, the stormwater administrator, upon compliance with all of the procedural requirements of NCGS 113A-65.1, may issue a stop work order, the duration of which is not to exceed five days. The stop work order shall be served by the sheriff of Buncombe County or some other person duly authorized by law to serve process as provided by Rule 4 of the N.C. Rules of Civil Procedure.

n. Replace section 7-12-2(i)(10) Stormwater, soil erosion and sedimentation control, illicit discharge and connection ordinance in its entirety as follows:

(10) *Summary abatement:* If through inspection, the stormwater administrator determines that a violation occurring under this section represents an imminent threat to life or property, the stormwater administrator shall take such action as may be necessary to protect the public and correct the violation.

o. Replace section 7-12-2(i)(11) Stormwater, soil erosion and sedimentation control, illicit discharge and connection ordinance in its entirety as follows:

(11) *Abatement:* If an order directing the correction of a violation representing a threat to life or property is not complied with within the applicable period of time, the city may, after notice to the owner, enter the land and perform all necessary work to abate the threat to life or property. Notice shall be in writing and shall be delivered to the financially responsible party by hand delivery; by certified mail, return receipt requested; or by any other means allowed by Rule 4 of the N.C. Rules of Civil Procedure.

p. Replace section 7-12-2(i)(12) Stormwater, soil erosion and sedimentation control, illicit discharge and connection ordinance in its entirety as follows:

(12) *Cost of abatement lien against property:* The city may assess the owner of the subject property with the cost of any work performed by the city pursuant to an abatement, which cost shall be a lien on such property and may be collected as provided in NCGS 160A-193. Notice shall be provided five days prior to entry and performance of necessary work by the city. For stormwater management facilities, the owners of all property served by the facility shall be jointly and severally responsible to the city for the maintenance of the facility and liable for any costs incurred by the city. All such properties are jointly and severally subject to the imposition of liens for said costs.

q. Add section 7-12-2(i)(13)Stormwater, soil erosion and sedimentation control, illicit discharge and connection ordinance as follows:

(13) *Action for failure to comply and failure to pay civil penalty:* If violations are not cured or corrected within the time specified in the notice of violation and/or the violator fails to give timely notice of appeal or fails to pay the civil penalty assessed within the prescribed time period, then the matter may be referred to the city's debt set-off program and/or referred to the city attorney for institution of a civil action in the name of the city in a court of competent jurisdiction. In addition to, or in lieu of, the other remedies set forth in this section, the city attorney may institute an injunctive action, mandamus action, or other appropriate proceeding. Upon determining that an alleged violation is occurring or is threatened, a court hearing an appeal for relief shall enter such orders and/or judgments as are necessary to abate or prevent the violation. The institution of an action for injunctive or other relief under this section shall not relieve any party to such proceeding from any civil penalty prescribed by this section for violations of this section.

r. Amend section 7-18-2(d) Penalties for violations by replacing in its entirety as follows:

Each day a separate violation. Except as indicated in subsection 7-18-2(b)(1) and 7-18(b)(2)(c) above, each day that a violation continues shall constitute a separate and distinct violation or offense.

s. Amend section 7-12-3(b) Notice of violation and citation procedure by replacing in its entirety as follows:

(1) *Recipient of notice of violation.* Whenever any city official charged with the duty of enforcing regulations in this chapter has reasonable cause to believe that a person is violating any of the provisions of this chapter or any permit, plan, order, or condition issued pursuant to this chapter, that official shall notify,the holder of the development approval and to the landowner of the property involved, if the landowner is not the holder of the development approval, and may be provided by similar means to the occupant of the property or the person undertaking the work or activity.

(2) *Service requirements.* Notices of violation shall be in writing and shall be served by personal delivery, electronic delivery, or by certified or registered mail, return receipt requested. In addition, the notice of violation may be posted on the property involved, in accordance with N.C. Gen. Stat. § 160D-404(a), and service hereunder may be made in accordance with Rule 4 of the North Carolina Rules of Civil Procedure. The notice of violation may include, but not be

186

limited to, an order to discontinue the illegal use of land, buildings or structures; require removal of illegal buildings, structures, or uses or removal of illegal additions, alterations or structural changes; discontinue the illegal work being done; or require any other action to insure compliance with or prevent violation of this chapter. The notice of violation shall include an opportunity to cure the violation within a prescribed period of time.

t. Replace section 7-18-6(b) Injunctive relief and other remedies in its entirety as follows:

Stop Work Orders. Stop Work Orders may be issued pursuant to N.C. G.S. § 160D-404(b), whenever any work or activity subject to regulations pursuant to this chapter or other applicable local development regulation or any State law delegated to the local government for enforcement purposes in lieu of the State undertaken in substantial violation of any State or local law, or in a manner that endangers life or property, staff may order the specific part of the work or activity to be stopped, the reasons thereof, and the conditions under which the work or activity may be resumed. The City shall send the Stop Work Order in writing pursuant to section 7-18-3(b)(2) above. Violation of a stop work order shall constitute a Class 1 misdemeanor pursuant to N.C. G.S. § 160D-404(b).

u. Add section 7-18-6(c) injunctive relief and other remedies by replacing in its entirety as follows:

Revocation of permits. In the event of a violation of any regulation of this chapter, the planning and development director, or any other city official charged with the duty of enforcing the regulations of this chapter, may stop any development of, use of or activity on property by the revocation of applicable permits. Prior to revocation of permits the development approval holder must be notified in writing stating the reason for the revocation and the revocation shall follow the same development approval and review process required for issuance of the development approval, including the notice requirements. Any action under this section must not be inconsistent with N.C. G.S.§ 160D-403(f).

Section 2: If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 3: All ordinances or parts of ordinances in conflict are hereby repealed to the extent of such conflict.

Section 4: This ordinance will become effective upon adoption.

Read, approved, and adopted this 27th day of October, 2020.

Magdalen Bullson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bullson
City Clerk

ORDINANCE NO. 4838

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Fiscal Year 2020-21 Budget Ordinance be amended to provide an additional appropriation of $560,000 toward the contract with Young Transportation for supplemental transit service, as a grant from Federal Transit Administration (FTA) CARES Act funds as follows:

TRANSIT SERVICES FUND

Revenues:

CARES Act Revenue	$560,000
Total Revenues	$560,000

Appropriations:

Contracted Services	$560,000
Total Appropriations	$560,000

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 10th day of November, 2020.

Magdalen Bouleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bouleson
City Clerk

188

ORDINANCE NO. 4839

ORDINANCE AMENDING THE FISCAL YEAR 2020-21 FEES & CHARGES

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The attached changes to the Fiscal Year 2020-21 fees and charges, attached hereto and made a part hereof, be adopted.

That this ordinance shall be in full force and effect upon adoption.

Read, approved, and adopted this 10th day of November 2020.

Magdalen Bruleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bruleson
City Clerk

DEPARTMENT Public Works
DIVISION Sanitation

Revenue Name Solid Waste Fee

Account Code See below

Description of Revenue

Charges assessed for solid waste and recycling collection services in the City of Asheville.

Fee Schedule

Fee	Rate	Account
Standard municipal solid waste fee	$14 per household per month	11000311:450122
Rental fee for each additional 95 gallon trash cart	$14 per cart per month	11000311:450110
Upcharge for bear-resistant trash cart	$10 per cart per month	11000311:450110

Revised 11/11/2020

ORDINANCE NO. 4840

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Fiscal Year 2020-21 Budget Ordinance be amended to provide an appropriation of $431,338 to accept a grant from The NC Alliance of YMCAs remote learning site grants as follows:

SPECIAL REVENUE FUND

Revenues:

Federal Grant	$431,338
Total Revenues	$431,338

Appropriations:

Personnel Expenses	$209,553
Contracted Services	$131,935
Supplies	$37,250
Machinery & Equipment	$52,600
Total Appropriations	$431,338

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 10th day of November, 2020.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

ORDINANCE NO. 4841

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Fiscal Year 2020-21 Budget Ordinance be amended to budget $141,208.44 in BCAT (Buncombe County Anti-Crime Task Force) funds already received by the City in the Special Revenue Fund as follows:

SPECIAL REVENUE FUND

Revenues:

Intergovernmental Revenue	$141,208.44
Total Revenues	$141,208.44

Appropriations:

Supplies - Other (P1911)	$ 19,679.56
Supplies - Other (P1910)	$121,528.88
Total Appropriations	$141,208.44

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 10th day of November, 2020.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

192

ORDINANCE NO. 4842

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Fiscal Year 2020-21 Budget Ordinance be amended to restate the CDBG Fund budget as follows:

CDBG FUND

Revenues:	
Federal Grant FY 2020-21	$1,046,871
CDBG COVID-19	$615,934
Program Income FY 2020-21	$50,000
Program Income FY 2019-20	$24,000
Total Revenues	$1,736,805
Appropriations:	
Fiscal 2020-21 CDBG Program	$1,096,871
CDBG COVID-19	$615,934
Fiscal 2019-20 CDBG Program	$24,000
Total Appropriations	$1,736,805

That the City of Asheville Fiscal Year 2020-21 Budget Ordinance be amended to restate the HOME Fund budget as follows:

HOME FUND

Revenues:	
Estimated 20-21 Program Income	$19,586
Estimated 19-20 Program Income	$23,127
Additional Program Income	$225,000
New HOME Entitlement Grant	$1,334,952
Total Revenues	$1,602,665
Appropriations:	
Fiscal 2020-21 HOME Program	$1,579,538
Fiscal 2019-20 HOME Program	$23,127
Total Appropriations	$1,602,665

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this the 10th day of November 2020.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

ORDINANCE NO. 4843

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Fiscal Year 2020-21 Budget Ordinance be amended to provide an appropriation of $889,456 as a COVID-19 Grant funds allocation from the Department of Housing & Urban Development and amend the CDBG Fund as follows:

CDBG FUND

Revenues:

Federal Grant Revenue	$889,456
Total Revenues	$889,456

Appropriations:

CDBG COVID-19 Expenses	$889,456
Total Appropriations	$889,456

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this the 10th day of November 2020.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

194

ORDINANCE NO. 4844

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Fiscal Year 2020-2021 Budget Ordinance be amended to provide an appropriation of $20,000 to accept private donations to help provide additional, non-budgeted tactical de-escalation training for the Asheville Police Department as follows:

SPECIAL REVENUE FUND

Revenues:

Private Donations	$20,000
Total Revenues	$20,000

Appropriations:

Training	$20,000
Total Appropriations	$20,000

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 8th day of December, 2020.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

ORDINANCE NO. 4845

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Fiscal Year 2020-2021 Budget Ordinance be amended to provide an appropriation of $62,044 to accept a Federal grant for Windham rifle purchases (APD) costing $48,926, and Forensic and CNT equipment and supplies purchases (Sheriff) costing $13,118, as follows:

SPECIAL REVENUE FUND

Revenues:

Federal Grants	$62,044
Total Revenues	$62,044

Appropriations:

Supplies - Safety Equipment	$48,926
Awarded Grants	$13,118
Total Appropriations	$62,044

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 8th day of December, 2020.

Magdalen Bouleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bouleson
City Clerk

196

ORDINANCE NO. 4846

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Fiscal Year 2020-21 Budget Ordinance be amended to provide an appropriation of $70,560 to accept a grant from the Department of Justice for the 2020 Bulletproof Vest Partnership Grant (BVP) as follows:

SPECIAL REVENUE FUND

Revenues:

Federal Grants	$35,280
Operating Transfer from General Fund	$35,280
Total Revenues	$70,560

Appropriations:

Safety Equipment	$70,560
Total Appropriations	$70,560

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 8th day of December, 2020.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

ORDINANCE NO. 4847

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Fiscal Year 2020-21 Budget Ordinance be amended to add an additional $520 in FY 2018 Section 5310 Federal Transit funds to the Transit Operating budget as follows:

TRANSIT SERVICES FUND

Revenues:

Restricted Intergovernmental Federal Grants	$173.33
Total Revenues	$173.33

Appropriations:

Personnel Expenses	$173.33
Total Appropriations	$173.33

TRANSIT SERVICES CAPITAL FUND

Revenues:

Restricted Intergovernmental Federal Grants	$346.67
Total Revenues	$346.67

Appropriations:

Pass-Through Funds	$346.67
Total Appropriations	$346.67

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 8th day of December, 2020.

Magdalen Burleson
City Clerk

Esther G. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

198

ORDINANCE NO. 4848

ORDINANCE AMENDING THE ENFORCEMENT PROCEDURES FOR VIOLATIONS OF BUILDING OCCUPANCY LIMITATIONS.

WHEREAS, the City has, pursuant to Sections 6-1 and 6-2 of the City Code, adopted the North Carolina Building Code: Fire Prevention Code, and made certain amendments thereto; and

WHEREAS, the City has identified a need to make changes to the manner in which it enforces violations of those portions of the Fire Code that pertain to the maximum occupancy limits for certain buildings;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. Section 6-2 is hereby amended to add a subsection 109.3.1.5 reading: Violations of Sec. 107.6 concerning overcrowding, as well as any future iterations thereof, shall be punished as follows: First Offense – Written warning or as a Class D violation; Second Offense – Class C violation; Third Offense – Class A violation. Additionally, upon the discovery of any Violation of the North Carolina Building Code: Fire Prevention Code Sec. 107.6 concerning Overcrowding, the fire marshal, or the fire marshal's designee, is authorized to order the evacuation of a building, premise, or portion thereof to abate the overcrowded condition. The enforcement procedures set forth in this section are in addition to, and cumulative of, the fire marshal's existing authority to order the immediate evacuation of a building upon discovery of conditions that pose imminent safety risks.

2. If any section, subsection, clause or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance;

3. All ordinances and clauses of ordinances in conflict herewith be and are hereby repealed to the extent of such conflict; and

4. This ordinance amendment is effective upon adoption.

Read, approved, and adopted this 8th day of December, 2020.

Magdalen Bowlison
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlison
City Clerk

ORDINANCE NO. 4851

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Fiscal Year 2020-21 Budget Ordinance be amended to provide an appropriation of $16,100 as a grant from the Natural Resource Defense Council and amend the Sustainability Fund as follows:

SUSTAINABILITY FUND

Revenues:

Miscellaneous Revenue	$16,100.00
Total Revenues	$16,100.00

Appropriations:

Contracted Services	$16,100.00
Total Appropriations	$16,100.00

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this the 12th day of January, 2021.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

200

ORDINANCE NO. 4849

ORDINANCE REAFFIRMING AND RATIFYING THE AUTHORITY DELEGATED TO THE CITY MANAGER UNDER ORDINANCE NO. 4801 TO WAIVE OR SUSPEND COLLECTION OF FEES ON A CASE-BY-CASE BASIS IN ORDER TO ADDRESS THE ECONOMIC FALLOUT OF THE COVID-19 PANDEMIC.

WHEREAS, the City has been under a locally declared state of emergency related to the COVID-19 pandemic since March 12, 2020; and

WHEREAS, the necessary response to the COVID-19 pandemic has had substantial negative economic impacts on citizens and local businesses; and

WHEREAS, on May 12, 2020 the City adopted Ordinance No. 4801, authorizing the City Manager to waive or suspend collection of fees and charges in the City's Fees and Charges Manual, as needed in order to address the economic fallout of the COVID-19 pandemic; and

WHEREAS, in an abundance of caution and for the sake of clarity, the City wishes to reaffirm and ratify that the authority conveyed on the City Manager pursuant to Ordinance No. 4801 is intended to remain in effect for the duration of the locally declared state of emergency relating to the COVID-19 pandemic;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The Asheville City Council hereby reaffirms and ratifies that the authority delegated to the City Manager under Ordinance No. 4801 to waive or suspend collection of fees and loan payments owed to the City on a case-by-case basis in order to address the economic fallout of the COVID-19 pandemic is intended to continue, and shall continue, until the locally declare state of emergency relating to the COVID-19 pandemic is rescinded.

Read, approved, and adopted this 12th day of January, 2021.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

ORDINANCE NO. 4850

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Fiscal Year 2020-21 Budget Ordinance be amended to provide an appropriation of $80,000 to accept a payment from Buncombe County and to establish a project budget for Code Purple emergency shelter contract as follows:

SPECIAL REVENUE FUND

Revenues:

Restricted Intergovernmental Payment	$40,000
Transfer from General Capital Fund	$40,000
Total Revenues	$80,000

Appropriations:

Contracted Services	$80,000
Total Appropriations	$80,000

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 12th day of January, 2021.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

202

ORDINANCE NO. 4852

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Fiscal Year 2020-21 Budget Ordinance be amended to provide an appropriation of $1,061,000 to fund contract extensions utilizing expected FEMA reimbursements and amend the Special Revenue Fund as follows:

SPECIAL REVENUE FUND

Revenues:

Federal Revenue Distribution - FEMA	$1,061,000
Total Revenues	$1,061,000

Appropriations:

COVID-19 Expense	$1,061,000
Total Appropriations	$1,061,000

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this the 26th day of January, 2021.

Magdalen Bouleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bouleson
City Clerk

ORDINANCE NO. 4853

ORDINANCE ESTABLISHING CONDITIONAL ZONING FOR PROPERTY LOCATED AT 99999 SANDHILL ROAD

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this rezoning is also deemed an amendment to the Future Land Use Map changing this parcel from Urban Center to Employment / Anchor Institution; and

WHEREAS, this proposed amendment is consistent with the *Living Asheville - A Comprehensive Plan for our Future* and is determined to be reasonable, and in the public interest for the following reasons:

a) Supports growth in areas targeted for growth;
b) Promotes placemaking by preserving a historic structure;
c) Preserves the opportunity for future greenway construction; and
d) Provides an employment center in a strategically located area.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

The zoning classification of that certain real property described in Exhibit A and identified on Buncombe County tax maps as a portion of PINs 9617-43-0440, and recorded in Deed Book 4590, Page 161, and currently owned by Enka Partners of Asheville LLC, from Commercial Industrial - Conditional Zone (CI - CZ) to Commercial Expansion - Conditional Zone (COM EXP - CZ). A copy of the official zoning map showing said lots is attached hereto as Exhibit "A.1" and made a part hereof. Said rezoning is subject to the conditions set out in Exhibit "B.1", and substantially compliant with the site plan(s) and elevations as shown on Exhibit D attached hereto and made a part hereof and amending the Future Land Use

map from Urban Center to Employment/Anchor Institution as shown on exhibit C.1.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. The ordinances shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 5. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 26th day of January, 2021.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

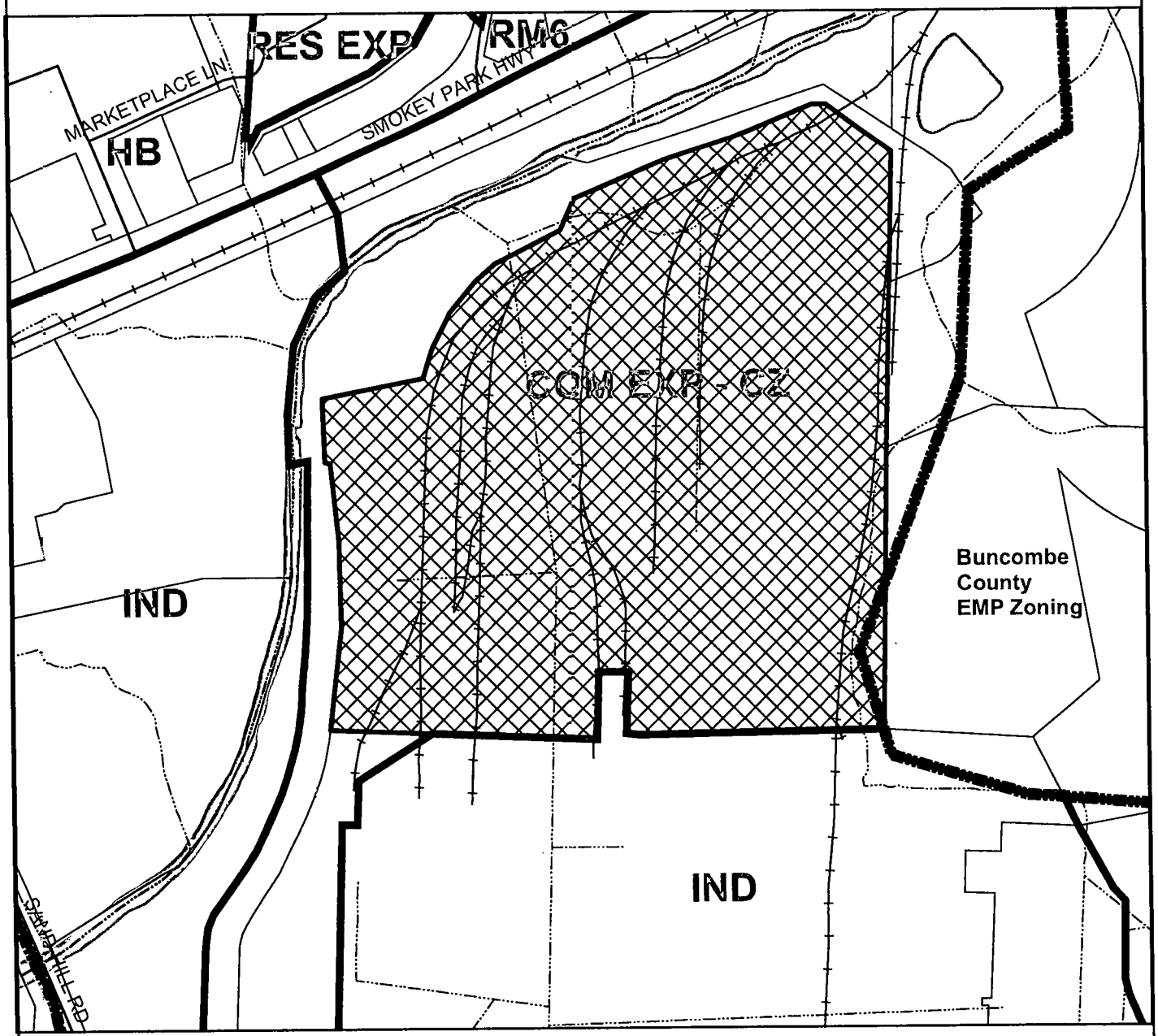
City Attorney

Magdalen Burleson
City Clerk

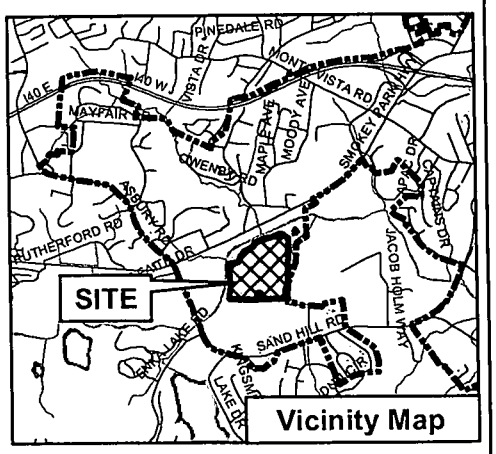
City of Asheville
Exhibit A1 Map - Existing Zoning
Conditional Zoning Petition - 99999 Sandhill Rd. (p.o.)

ASHEVILLE

N W E S



Project Name:	AV2
Project Number:	20 - 06830 PZ
Project Description:	CZ from CI-CZ to COM-EXP CZ
Petitioner(s):	Brian Hall
Parcel ID Number(s):	9617-43-0440
Location/Address:	99999 Sandhill Rd.



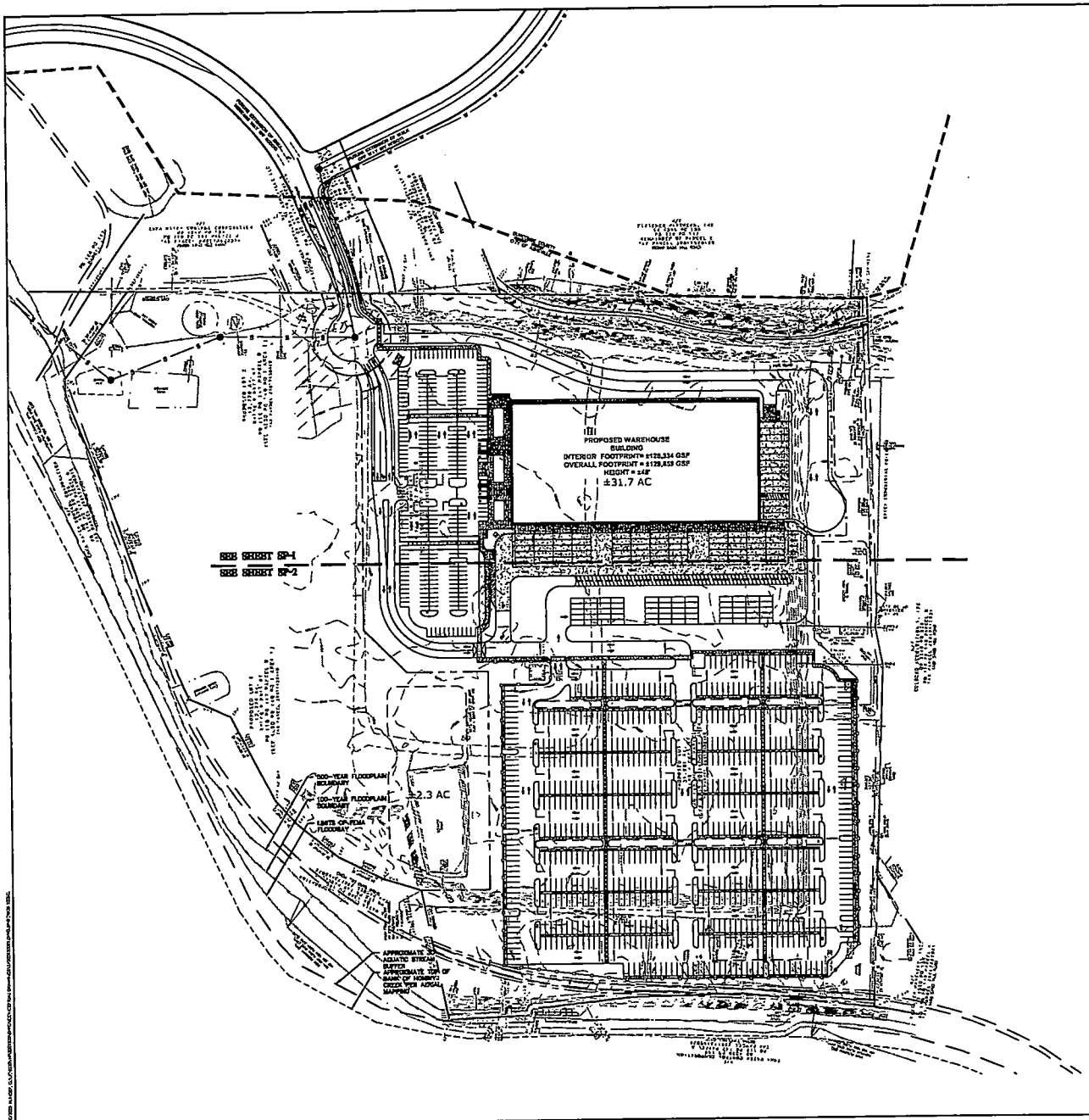
Project Site
Zoning Districts
Parcels
Streets
Asheville City Limits
River Areas

City of Asheville Planning and Urban Design Department - February 2020

EXHIBIT B-1 Conditions | Proposed AV2 Development

1. The zoning for the parcel located at 99999 Sand Hill Road (portion of PIN 9617-43-0440) is Commercial Expansion – Conditional Zone (COM EXP - CZ).
2. The approval is for a proposed one-story warehouse and distribution facility with associated employee parking, van fleet storage, truck loading docks, as well as all utilities, including stormwater conveyance and management, to serve the proposed facility. The final build-out will be approximately 129,859 square feet with a maximum building height of 48 feet.
3. The applicant will construct a new cul de sac road off Enka Heritage Way. The cul de sac road will be dedicated to the state and NCDOT will maintain the road. The new road will include water and sewer main extensions constructed by the applicant.
4. A traffic impact analysis (TIA) is required following the NCDOT process. Applicant will be required to complete any recommendations identified through the TIA review process.
5. Two driveways are proposed off the cul de sac to provide vehicular access to the site. A driveway off the southern portion of the cul de sac will segregate truck traffic access to the loading docks. A second driveway off the western portion of the cul de sac will accommodate van and car traffic to the site.
6. There are 278 employee parking spaces, including 7 accessible spaces, in addition to 696 van fleet parking spaces. A minimum of 14 bicycle parking spaces is also provided near the building entrance.
7. Modifications are required for the following:
   a. Sidewalk widths – Sidewalks of varying widths between 4-feet and 12-feet are provided throughout the site.
   b. Tree islands - parking lot tree islands will maintain a minimum width of 9-feet.
   c. Building design– operable pedestrian entrances will be provided as shown on the approved building elevations.
   d. Outdoor lighting - Approximately 2/3rds of onsite pole luminaires will be type 5 (360 degree) lamps which have a BUG rating of B4-U0-G2. All lumens per lamp are under 20,000 lumens and all poles are under 37' ht.
8. Onsite disturbance is approximately 31.7 acres. Disturbance for the cul de sac right-of-way is approximately 0.5 acres. Offsite disturbance for the aboveground detention basin is approximately 2.3 acres. Offsite disturbance for the cul de sac road extension would be approximately 0.37 acres. Total disturbance is approximately 34.87 acres.
9. The proposed Enka Heritage Greenway is planned to cross the property along the western boundary of the project area and will include a 10' wide paved greenway, a 15' wide maintenance easement and a 25' wide construction easement. Final alignment of greenway and corresponding easements are to be coordinated with Buncombe County.
10. Approximately 10-11% new tree canopy will be provided on the site. The remainder of the required 20% tree canopy will be paid as a fee in lieu.
11. A minimum of 15% of the site will be protected open space. Open space areas will overlap with the proposed Enka Heritage Greenway Trail and easements, along with the tree canopy preservation areas.

12. The clock tower shall remain and be protected.
13. Applicant will make good faith efforts to contract with small and minority firms and women's business enterprises, as follows:
    a. Applicant will take affirmative steps to assure that minority firms and women's business enterprises are used when possible. Affirmative steps will include:
        i. Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
        ii. Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;
        iii. Working with the YMI, Mountain Biz Works and other local non-profit agencies that serve the minority communities in Asheville to promote information about job opportunities.
14. The building design, site design, construction materials, and orientation on site must substantially comply with the site plan which is incorporated herein by reference and the final approved site plan that is incorporated into the zoning permit. Any major deviations from these plans will require reconsideration of the project by the reviewing boards.
15. All legally required local, state, and federal permits and approvals must be obtained prior to initiation of construction and any pertinent legal requirements shall be met.
16. The conditional zoning will be valid for two years from the date of approval by City Council with building permits applied for within this 24-month period.



SITE DATA

CITY OF ASHEVILLE PROJECT NUMBER: 20-0530PZ
CURRENT ZONING DESIGNATION: CI (COMMERCIAL INDUSTRIAL)
PROPOSED ZONING DESIGNATION: CCM EXP-CZ (COMMERCIAL EXPANSION CONDITIONAL ZONE)
PROJECT NAME: PROJECT AV2
STREET ADDRESS: 99999 SAND HILL ROAD
PARCEL NUMBER(S): 0317430440000000
TOTAL SITE AREA: ±31.7 ACRES

ZONING INFORMATION

P1

LOCATION: ASHEVILLE, NC
ZONE: CCM EXP-CZ (COMMERCIAL EXPANSION CONDITIONAL ZONE) (1)
USE: WAREHOUSE (PERMITTED USE)

ITEM #	ITEM	REQUIREMENTS	PROPOSED	VARIANCE
1	MINIMUM LOT AREA	NONE REQUIRED	±1,370,841 S.F. (±31.7 AC.)	NO
2	MINIMUM LOT WIDTH	100 FEET	±631 FEET	NO
3	MINIMUM LOT FRONTAGE	NONE REQUIRED	±215 FEET	NO
4	MINIMUM FRONT SETBACK	33 FEET	±373 FEET	NO
5	MINIMUM SIDE SETBACK	NONE REQUIRED	±233 FEET	NO
6	MINIMUM REAR SETBACK	10 FEET	±325 FEET	NO
7	MAXIMUM BUILDING HEIGHT	80 FEET	±48 FEET	NO
8	MAXIMUM BUILDING COVERAGE	NONE REQUIRED	±9 PERCENT	NO
9	ESTIMATED DISTURBED LAND AREA	NONE REQUIRED	±1,515,937 S.F. (±34.8 AC.) (1)	NO
10	IMPERVIOUS AREA	NONE REQUIRED	±804,545 S.F. (±18.5%)	NO

(1) SEE S-1 CONDITION #8 UNDER SEPARATE COVER
(2) INDUSTRIAL WAREHOUSE DEVELOPMENT IN EXCESS OF 100,000 S.F. OF GROSS FLOOR AREA SHALL BE IN COMPLIANCE WITH COMMERCIAL EXPANSION DISTRICT REQUIREMENTS. THE UNDERLYING ZONING DESIGNATION IS CI (COMMERCIAL INDUSTRIAL).

PARKING INFORMATION

T8

ITEM #	ITEM	REQUIREMENTS	PROPOSED	VARIANCE
1	BUILDING SIZE	NONE REQUIRED	128,534 S.F.	NO
2	PARKING REQUIRED	WAREHOUSE: MINIMUM: 1 SPACE PER 3 EMPLOYEES ON SHIFT OF GREATEST EMPLOYMENT (315), PLUS ONE PER 350 S.F. OF AREA OPEN TO THE PUBLIC (0 S.F.) MAXIMUM: 1 PER EMPLOYEE ON SHIFT OF GREATEST EMPLOYMENT (315), PLUS 1 PER 350 S.F. OF AREA OPEN TO PUBLIC (0 S.F.) TOTAL REQUIRED = 157.5 MAXIMUM ALLOWED = 315	275 SPACES P6	NO
3	MINIMUM HANDICAPPED PARKING SPACES REQUIRED	7 SPACES	7 SPACES	NO
4	MINIMUM PARKING DIMENSIONS	9 FEET X 18 FEET	9 FEET X 19 FEET	NO
5	MINIMUM BICYCLE PARKING	5% OF TOTAL AUTOMOBILE SPACES ON LOT (275 SPACES) TOTAL REQUIRED = 13.8 SPACES	20 BICYCLE SPACES	NO
6	MINIMUM LOADING BERTHS	BUILDINGS 70,000 S.F. AND OVER: 4 PLUS 1 FOR EACH ADDITIONAL 50,000 S.F. TOTAL REQUIRED= 6 BERTHS	14 BERTHS	NO
7	MINIMUM LOADING DIMENSIONS	250 S.F.	13.5 FEET X 60 FEET (810 S.F.)	NO
8	MINIMUM AISLE WIDTH	24 FEET – 2-WAY	24 FEET – 2-WAY	NO
9	MAXIMUM PROPOSED ROAD/DRIVEWAY GRADE	NONE REQUIRED	2 PERCENT	NO
10	MINIMUM FRONT SETBACK	NONE REQUIRED	±34 FEET	NO
11	MINIMUM SIDE SETBACK	NONE REQUIRED	±33 FEET	NO
12	MINIMUM REAR SETBACK	NONE REQUIRED	±47 FEET	NO
13	MINIMUM INTERIOR LANDSCAPING	1 LANDSCAPED ISLAND EVERY 15 SPACE FOR PERIMETER PARKING, 30' MIDIAN EVERY 4 BAYS FOR INTERIOR PARKING AREAS.	1 LANDSCAPED ISLAND EVERY 15 SPACE FOR PERIMETER PARKING, 30' MIDIAN EVERY 4 BAYS FOR INTERIOR PARKING AREAS.	NO

SITE PLAN LEGEND

- EXISTING PROPERTY LINE
- PROPOSED SUBDIVISION PROPERTY LINE
- PROPERTY LINE TO BE EXTINGUISHED
- FEMA 100 YEAR FLOOD LINE
- FEMA 500 YEAR FLOOD LINE
- FW — FEMA FLOODWAY LINE
- LIMIT OF STREAM
- 30' AQUATIC STREAM BUFFERS
- PROVIDE AND INSTALL CHAIN LINK FENCE
- PROPOSED STORMWATER MANAGEMENT AREA
- APPROXIMATE BUNCOMBE COUNTY MUNICIPAL BOUNDARY PER CITY OF ASHEVILLE ONLINE GIS MAPPING
- PROVIDE AND INSTALL DIRECTIONAL ARROW
- PROVIDE AND INSTALL BOLLARD
- PROVIDE AND INSTALL CONCRETE PAVEMENT
- PROVIDE AND INSTALL CONCRETE SIDEWALK OR APRON
- 7 PARKING SPACE COUNT
- PROVIDE AND INSTALL RUBBER SPEED BUMP

NOTES:

1. ALL CONSTRUCTION WILL REMAIN WITHIN SITE AND WILL NOT IMPACT EXISTING PUBLIC INFRASTRUCTURE.

NOT FOR CONSTRUCTION FOR PERMITTING PURPOSES ONLY

GRAPHIC SCALE
100 50 0 100
SCALE IN FEET

Architecture
Engineering
Environmental
Land Surveying
BL Companies
3420 Toringdon Way
Suite 310
Charlotte, NC 28277
(704) 545-7070

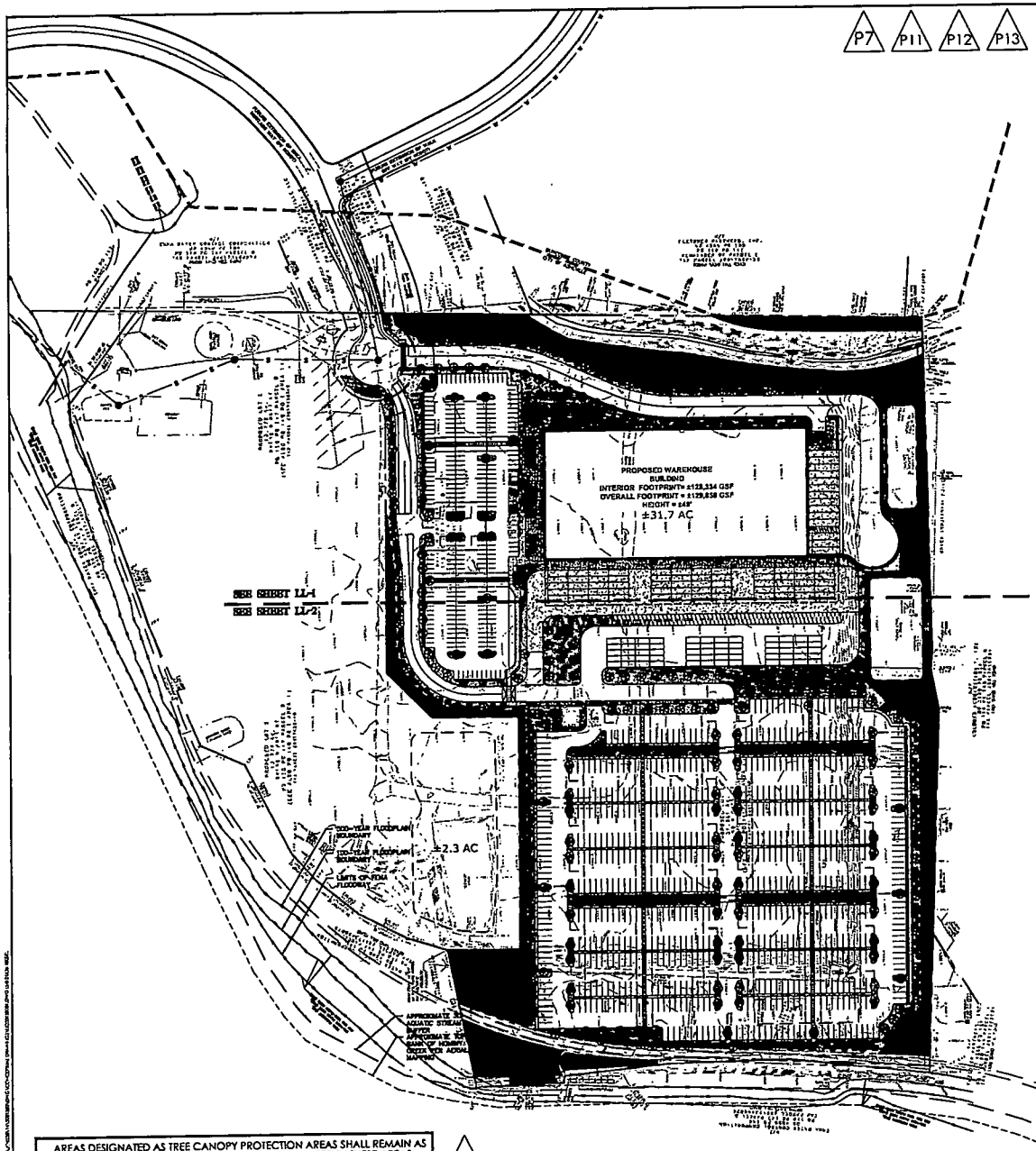
PROJECT AV2
99999 SAND HILL ROAD
ASHEVILLE, NC

No.	Revision	Date
1	REVISED PER CITY STAFF COMMENTS	11/04/2020

Designed	A.B.S.
Drawn	H.J.L.
Reviewed	
Scale	1"=100'
Project No.	2001500
Date	11/4/2020
CAD File:	SP2001500001

Title
OVERALL CONCEPTUAL SITE LAYOUT, MATERIALS & ZONING PLAN

Sheet No.
SP-0



AREAS DESIGNATED AS TREE CANOPY PROTECTION AREAS SHALL REMAIN AS SUCH IN PERPETUITY. TREE REMOVAL SHALL BE PROHIBITED IN THESE AREAS UNLESS OTHERWISE PERMITTED.

P12

ZONING INFORMATION

LOCATION: ASHEVILLE, NC

ZONE: CCM EXP-CZ (COMMERCIAL EXPANSION – CONDITIONAL ZONE) (D)

USE: WAREHOUSE (PERMITTED USE)

ITEM #	ITEM	REQUIREMENTS	PROPOSED	VARIANCE
1.1	PARKING LOT LANDSCAPING SEC.7-11-3(d)(1)a	ONE DECIDUOUS TREE AND FOUR SHRUBS REQUIRED PER 1,000 VUA. 75% OF TREES MUST BE LARGE TREES. ALL PLANTINGS SHALL BE PLANTED WITHIN 15 LF OF VUA.	EMPLOYEE PARKING = 125,100 SF = 80 TREES AND 320 SHRUBS	NO
1.2	PARKING LOT LANDSCAPING SEC.7-11-3(d)(1)b	ONE DECIDUOUS TREE AND FOUR SHRUBS REQUIRED PER 1,000 VUA. 75% OF TREES MUST BE LARGE TREES. ALL PLANTINGS SHALL BE PLANTED WITHIN 15 LF OF VUA.	VAN STORAGE AREA = 534,770 SF = 268 TREES AND 1,428 SHRUBS	NO
1.21	PARKING LOT LANDSCAPING ALTERNATIVE SEC.7-11-3(d)(2)(i)	IF PARKING AREA IS USED FOR STORAGE THAN REQUIREMENT FOR ALL PARKING SPACES TO BE LOCATED 60' FROM A TREE MAY BE WAIVED AND PLANTINGS IN INTERIOR ISLANDS CAN BE REDUCED BY 50% IF ISLANDS ARE DESIGNED FOR WATER RETENTION.	VAN STORAGE AREA REQUIREMENT (ABOVE) CAN BE REDUCED TO 179 TREES/713 SHRUBS EXTERIOR AND 89 TREES/357 SHRUBS INTERIOR FOR A TOTAL OF 357 TREES AND 1,070 SHRUBS	NO
1.3	PARKING LOT LANDSCAPING SEC.7-11-3(d)(1)c	ONE DECIDUOUS TREE AND FOUR SHRUBS REQUIRED PER 1,000 VUA. 75% OF TREES MUST BE LARGE TREES. ALL PLANTINGS SHALL BE PLANTED WITHIN 15 LF OF VUA.	TRUCK LOADING AREA AND DRIVEWAY = 74,230 SF = 50 TREES AND 198 SHRUBS	NO
2	PARKING LOT LANDSCAPING SEC.7-11-3(d)(1)e	WHEN FOUR OR MORE TREES ARE REQUIRED, 50% OF TREES AND SHRUBS MUST BE PLANTED IN ISLANDS OR MEDIANS WITHIN PARKING LOT.	50% OF TREES AND GREATER THAN 50% OF SHRUBS ARE WITHIN INTERIOR ISLANDS	NO
3	BUILDING IMPACT LANDSCAPING SEC.7-11-3(d)(5)b	PLANT ONE TREE AND TWO SHRUBS PER 1,000 SF OF BUILDING FOOTPRINT TO BE PLANTED ANYWHERE ON SITE.	129,858 SF = 130 TREES AND 260 SHRUBS	NO
4	PLANT MATERIALS AND MAINTENANCE SEC.7-11-3(d)(1)	LANDSCAPING MUST BE INSTALLED AND INSPECTED BY CITY OF ASHEVILLE PRIOR TO RECEIVING CERTIFICATE OF COMPLIANCE.	TO BE INCLUDED ON NOTES AND DETAILS SHEET	NO
5	PLANT MATERIALS AND MAINTENANCE SEC.7-11-3(d)(1)	OWNER OR LESSEE OF PROPERTY IS RESPONSIBLE FOR ONGOING MAINTENANCE AND PROTECTION OF ALL REQUIRED LANDSCAPING.	TO BE INCLUDED ON NOTES AND DETAILS SHEET	NO
6	PLANT MATERIALS AND MAINTENANCE SEC.7-11-3(d)(1)	PLANTS TO BE CHOSEN FROM CITY PLANT SPECIES LIST. LARGE DECIDUOUS TREE SHALL BE 35' AT MATURITY AND 2" CAL./12'-14' HT. AT INSTALLATION. SMALL DECIDUOUS TREE TO BE 1.5" CAL. AND 8'-10' HT. AT INSTALLATION. EVERGREEN TREE SHALL BE 6' HT. AT INSTALLATION. LARGE SHRUB TO BE 30 CONT. OR 10" ROOT BALL AND 24" HT. AT INSTALLATION. SMALL SHRUB TO BE 30 CONT. OR 8" ROOT BALL AND 18" HT. AT INSTALLATION.	TO BE SPECIFIED ON PLANT SCHEDULE	NO
7	TREE CANOPY PRESERVATION SEC.7-10	CLASS 3 REQUIREMENT, SITES WITH 20-40% TREE COVERAGE SHALL REQUIRE THE FOLLOWING: 1.5X EXISTING AND 0X NEW CANOPY OR 1.2X EXISTING AND 4X NEW CANOPY OR 1X EXISTING AND 8X NEW CANOPY OR 0.5X EXISTING AND 12X NEW CANOPY OR 3X EXISTING AND 16X NEW CANOPY OR 0X EXISTING AND 20X NEW CANOPY EXISTING CANOPY TO REMAIN IS APPROX. 1% OF SITE THEREFORE 20X REFORESTATION TREE PLANTING NEEDED (1,278,461 SF x .5 = 639,230 SF	REFORESTATION PLANTING PROPOSED ON SITE = 150,000 SF REMAINING TO BE PAID FEE IN LIEU = 125,770 SF	NO
8	OPEN SPACE SEC.7-11-4	OPEN SPACE TO BE PROVIDED FOR ACTIVE OR PASSIVE RECREATION IN THE AMOUNT OF 5% OF THE SITE (1,278,461 SF x .05 = 63,923 SF)	71,000 SF OPEN SPACE PROVIDED	NO

LANDSCAPE PLAN LEGEND

- EXISTING PROPERTY LINE
- PROPOSED SUBDIVISION PROPERTY LINE
- PROPOSED OPEN SPACE
- PROVIDE AND INSTALL DECIDUOUS CANOPY TREE
- PROVIDE AND INSTALL ORNAMENTAL TREE
- PROVIDE AND INSTALL EVERGREEN TREE
- PROVIDE AND INSTALL SHRUB
- PROVIDE AND INSTALL LAWN SEED MIX
- GROUNDCOVER PLANTINGS
- EXISTING TREE CANOPY TO REMAIN
- PROPOSED REFORESTATION

P8 P9

NOTES

1. ALL REQUIRED PLANT MATERIAL SHALL MEET THE PLANT SPECIFICATION AND MAINTENANCE REQUIREMENTS OF UDO SEC. 7-11-3(f).
2. A DETAILED LANDSCAPE PLAN WITH PLANT SCHEDULE WILL BE PROVIDED PRIOR TO FINAL APPROVAL.

NOT FOR CONSTRUCTION FOR PERMITTING PURPOSES ONLY

GRAPHIC SCALE
100 50 0 100
SCALE IN FEET

Architecture
Engineering
Environmental
Land Surveying
BL CORPORATION
3400 Islington Way
Suite 210
Charlotte, NC 28277
(704) 563-3010

PROJECT AV2
99999 SAND HILL ROAD
ASHEVILLE, NC

REVISIONS
No. | Date | Description
1 | 11/20/2020 | REVISED PER CITY TRC COMMENTS

Designed: W.J.V.
Drawn: W.J.V.
Reviewed:
Scale: 1"=100'
Project No.: 2001500
Date: 11/4/2020
CAD File: LL2001500001

Title
OVERALL CONCEPTUAL LANDSCAPE PLAN

Sheet No.
LL-0

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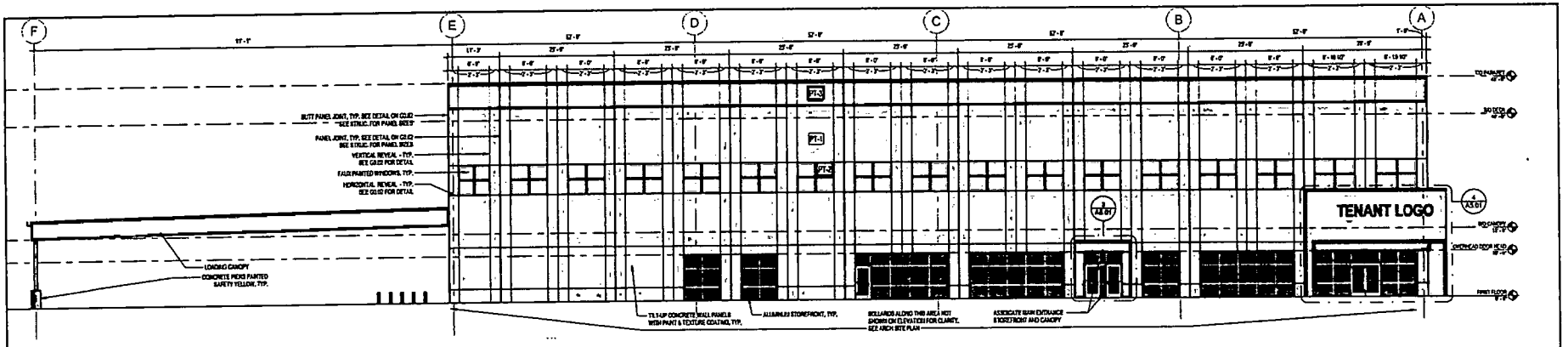
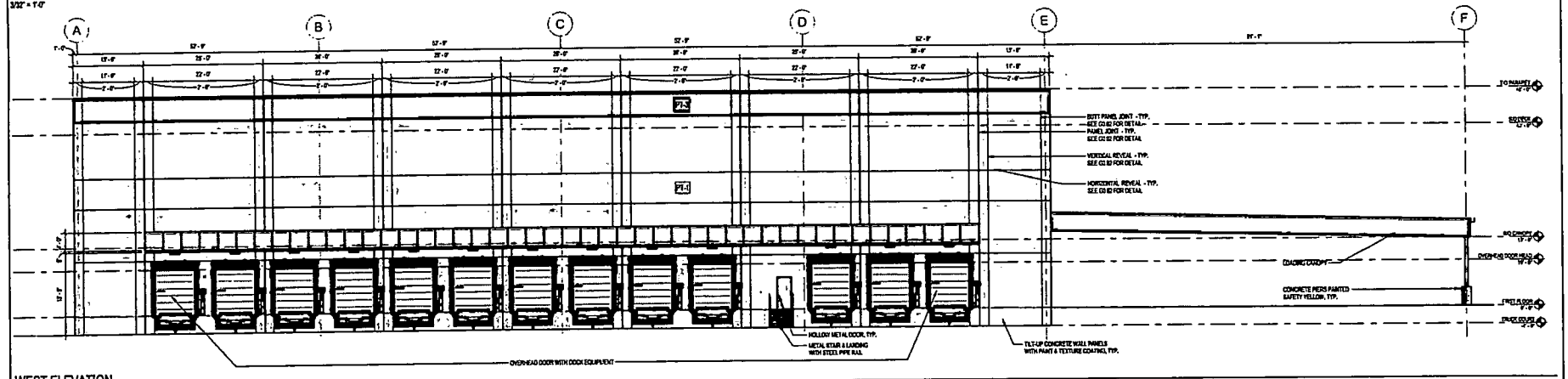
209

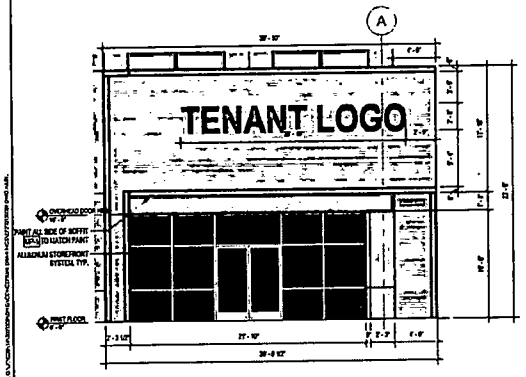
210



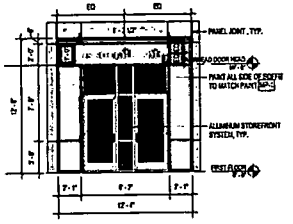
EAST ELEVATION.
3/32" = 1'-0"



WEST ELEVATION.
3/32" = 1'-0"



TENANT HUB ENTRY SOUTH ELEVATION
3/16" = 1'-0"



ASSOCIATE ENTRY ELEVATION
3/16" = 1'-0"

EXTERIOR PAINT COLOR LEGEND

PT-1 SHERWIN WILLIAMS SW 7013 NEBULOUS WHITE	PT-2 SHERWIN WILLIAMS SW 7029 GRAY MATTERS	PT-3 PANTONE 2985C BLUE
MP-1 PANTONE 2935C BLUE	MP-2 PAC-CLAD 'BONE WHITE'	MP-3 PAC-CLAD 'SLATE GREY'

BUILDING ELEMENTS	COLOR
METAL COPING	MP-3: PAC-CLAD 'SLATE GRAY'
METAL DOWNSPOUT AND CONDUCTOR HEADS	MP-3: PAC-CLAD 'SLATE GRAY'
HOLLOW METAL DOORS AND FRAMES	COLOR TO MATCH MP-3
EXTERIOR METAL RAILINGS, STAIRS AND LANDINGS	GALVANIZED - NO PAINT
ENTRY SOFFIT & LOADING CANOPY SOFFIT	MP-2: PAC-CLAD 'BONE WHITE'
ASSOCIATE ENTRY CANOPY/ LOADING CANOPY	MP-1: 'TENANT BLUE'
BOLLARDS	SAFETY YELLOW
INTERIOR STAIRS, RAILINGS AND GUARDRAILS	RED / GRAY
ALL EXPOSED METAL STRUCTURE	PT-1

EXTERIOR ELEVATION GENERAL NOTES :

1. HOLD ALL VERTICAL DIMENSIONS.
2. HORIZONTAL DIMENSIONS OF REVEAL (NOT PANELS) DIMENSIONS CAN BE +/- FOR PANEL CONSTRUCTION.
3. FAUX WINDOWS, OVERFLOWS, ETC. SHOULD BE CENTERED OVER DOOR BELOW.
4. SEE TYPICAL REVEAL AND PANEL JOINT DETAILS ON C0.02

NOT FOR CONSTRUCTION FOR PERMITTING PURPOSES ONLY

Architecture Engineering Environmental Land Surveying
BL Companies
3420 Terlington Way
Suite 210
Charlotte, NC 28277
(704) 545-7070

PROJECT AV2
99999 SAND HILL ROAD
ASHEVILLE, NC

REVISIONS
No. Date Desc.
1. 11/07/2020 REVISED PER CRT TRC SAFT COMMENTS

Designed T.A.M.
Drawn T.A.M.
Reviewed
Scale AS NOTED
Project No. 5001500
Date 11/4/2020
CAD File: LP20015000I

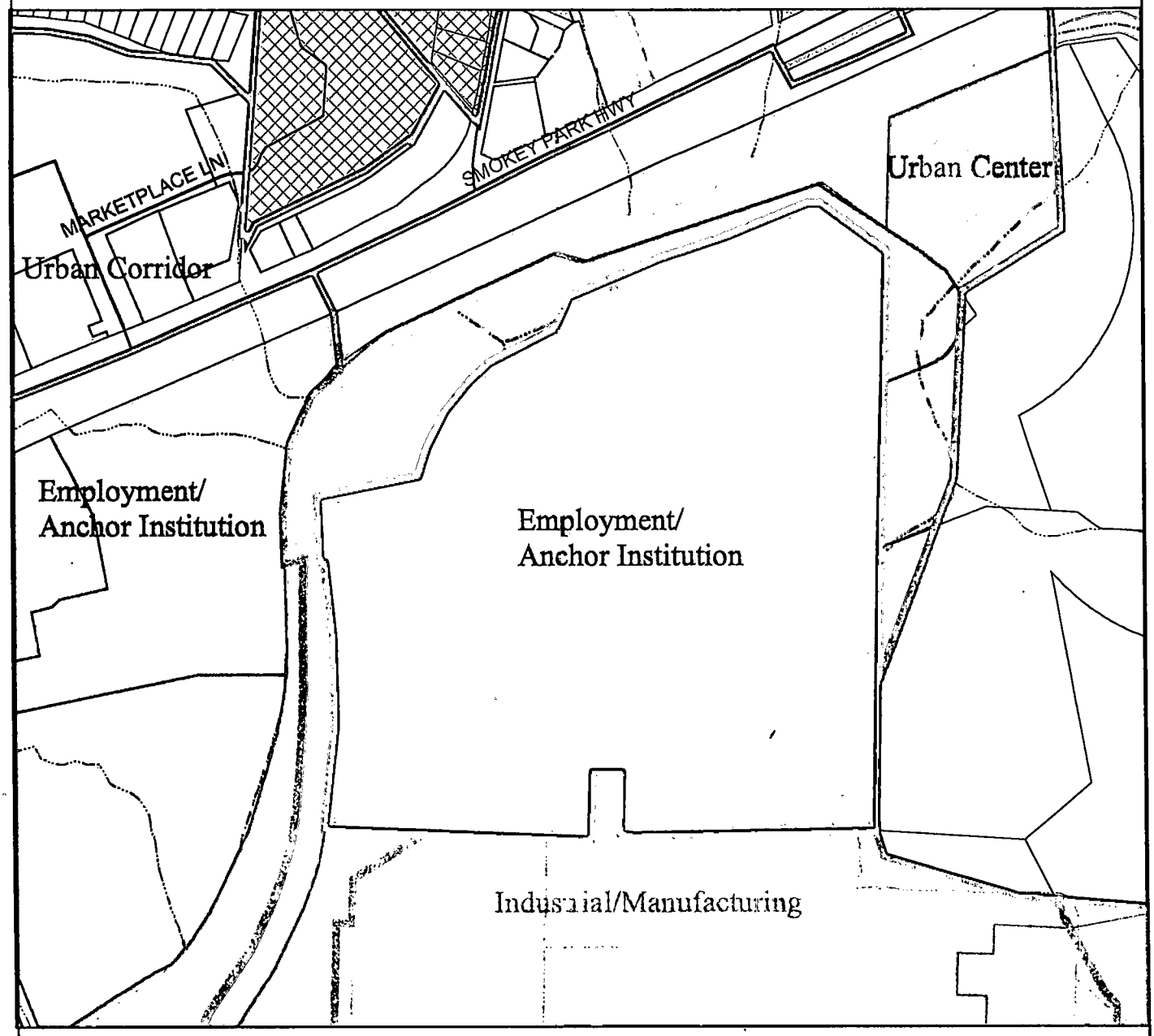
Title
CONCEPTUAL BUILDING ELEVATION PLAN

Sheet No.
A5.01

City of Asheville
Exhibit C1 Map - Proposed Future Land Use
Conditional Zoning Petition - 99999 Sandhill Rd. (p.o.)

ASHEVILLE

N W E S



Project Name:	AV2
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Petitioner(s):	Brian Hall
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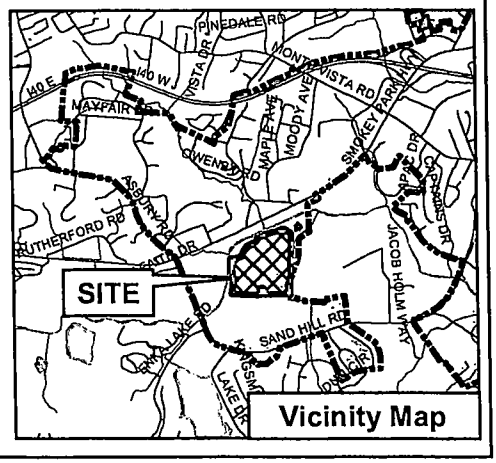
Asheville City Limits
River Areas



Vicinity Map

City of Asheville Planning and Urban Design Department - February 2020

212

ORDINANCE NO. 4854

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Fiscal Year 2020-21 Budget Ordinance be amended to add an appropriation of $50,000 to the project budget for Code Purple emergency shelter contract as follows:

SPECIAL REVENUE FUND

Revenues:

Transfer from General Capital Fund	$50,000
Total Revenues	$50,000

Appropriations:

Contracted Services	$50,000
Total Appropriations	$50,000

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 23rd day of February, 2021.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

ORDINANCE NO. 4855

ORDINANCE AMENDING CHAPTER 7 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE TO ESTABLISH NEW STANDARDS FOR HOTEL DEVELOPMENT

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety, and welfare; and

WHEREAS, the Unified Development Ordinance (Chapter 7 of the City Code of Ordinances) specifies development standards and review processes for commercial development; and

WHEREAS, Chapter 2 of the City Code specifies the creation, composition, management, duties and responsibilities of boards, commissions and committees; and

WHEREAS, the Comprehensive Plan promotes responsible growth; and

WHEREAS, this amendment aligns with the City Council goals to update the Unified Development Ordinances in order to reflect recommendations in the Comprehensive Plan and other adopted goals and plans; and

WHEREAS, this Ordinance is determined to be reasonable, in the public interest, and is consistent with the Comprehensive Plan in the following ways:

1. Supports responsible growth by offsetting impacts of large commercial developments with hotel specific development standards;
2. Encourages great architecture and enhances placemaking design; and
3. Provides a strong incentive to incorporate public benefits into large projects.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1: Chapter 7 of the Code of Ordinances of the City of Asheville is hereby amended as follows:

a. **Amend Section 7-2-5. Definitions by replacing the following definitions with revised versions of the same definitions that read:**

Hotel, extended stay means a commercial lodging establishment, under single management commonly with on-site supervisory personnel, containing two or more individual units each providing accommodations for sleeping, sanitation and a kitchen and which may contain ancillary facilities or services such as restaurants, bars, coffee shops, exercise rooms, swimming pools, spas and meeting rooms.

Hotel, small means a commercial lodging establishment, under single management with on-site supervisory personnel, containing seven to 35 guest rooms offered to the general public for transient lodging accommodations and which may contain ancillary facilities or services such as restaurants, bars, coffee shops, exercise rooms, swimming pools, spas and meeting rooms. This definition shall include extended stay hotels.

Hotel, large means a commercial lodging establishment, under single management with on-site supervisory personnel, containing 36 or more guest rooms offered to the general public for transient lodging accommodations and which may contain ancillary facilities or services such as restaurants, bars, coffee shops, exercise rooms, swimming pools, spas and meeting rooms. This definition shall include extended stay hotels.

b. Amend Section 7-2-5. Definitions by inserting the following new definitions alphabetically:

Affordable Housing means residential housing units that are provided at or below 80% of the Area Median Income (AMI) levels for the Asheville area as produced yearly by the City of Asheville Community and Economic Development Department.

B Corp Certification means a program established by the nonprofit B Lab that rates and certifies organizations that seek to achieve the highest standards of verified social and environmental performance, public transparency, and legal accountability to balance profit and purpose.

Contracting with MWBE (Minority Women Business Enterprise) means the procurement of business services from a company that is at least fifty-one percent (51%) owned and controlled by women or minority (including, but not limited to, African Americans, Native Americans, Asians, and Hispanics) group members that live within Buncombe, Haywood, Jackson, Transylvania, Henderson, Polk, Rutherford, McDowell, Yancey, or Madison County, and which has been certified by the North Carolina Department of Transportation (NCDOT), the North Carolina Department of Administration (NCDOA) Historically Underutilized Businesses (HUB), or by the City of Asheville.

Displacement means that residents or businesses leave, are forced out, or are removed due to causes such as eminent domain, lease non-renewals (actual or assumed), and evictions to make way for new development or changes of use during the 24 months before or after project application.

Green Globes means Green Globes for New Construction, a program managed by the Green Building Initiative (GBI) to rate and certify green building systems.

Guest room means an enclosed room designed for and outfitted to be used for sleeping and/or lodging of guests. A shared space or a space designed for or outfitted to be used for any purpose other than sleeping or lodging of guests shall not be counted as a guest room (e.g. living rooms, parlors, offices, game room, or utility room).

Historic Structure means any structure that (a) is listed or has been determined to be eligible to be listed individually in the National Register of Historic Places, or (b) is a contributing building to an existing National Register district or district that has been determined to be eligible for listing in the National Register, or (c) has been designated as historic pursuant to an ordinance adopted by the City of Asheville or Buncombe County.

LEED means Leadership in Energy and Environmental Design and is the program established by the U.S. Green Building Council to rate and certify green building systems.

Living Wages means that all regular full-time and part-time employees of an organization are paid wages sufficient to meet the minimum real costs of living as is most currently provided by the nonprofit organization, Just Economics of Western North Carolina.

Neighborhood Improvement means capital improvements that are implemented within a quarter mile of an urban project site (CBD, Biltmore Village, RAD) or half mile within a suburban project site that enhance public amenities, such as sidewalks and street trees.

Net Zero Building means Net Zero Certification, a program managed by the International Living Future Institute (ILFI) to rate and certify buildings that demonstrate one hundred percent of a building's energy needs are supplied by on-site renewable energy.

Outdoor Public Plaza means a public space that is located outside, is publicly accessible, and visible from a public right of way.

Public Art means art in any media whose form, function and meaning are created for the general public through a public process managed or commissioned by the Asheville Public Art Program.

Reparations means providing direct financial support to the City of Asheville in order to support community reparations for Black Asheville as identified in resolution no. 20-128.

Supporting MWBE means providing direct financial support to the City of Asheville's Business Inclusion Office within the Department of Community and Economic Development to support their Policy, adopted on October 27, 2020, which seeks to remediate the ongoing effects of marketplace discrimination experienced by local Minority Women Business Enterprises (MWBE).

Structured Parking means a structure, usually multistory, that is primarily designed for short- and long-term vehicle parking.

Transportation Benefit means employer-procured Asheville transit system passes or other relevant employer-provided transportation that is offered to all employees at no expense during the period those employees are employed by the company.

c. **Amend Section 7-3-8(a) to read as follows:**

(a) *Powers and duties.* The Asheville Downtown Commission shall have the powers and duties as set forth in Division 3 of article III of Chapter 2 of the Code of Ordinances of the City of Asheville. In addition, for purposes of this chapter, the Asheville Downtown Commission shall have the following powers and duties:

(1) Make recommendations on amendments to guidelines for alterations, demolitions, and new construction in the Downtown Design Review area;

(2) Designate four members to a joint Design Review Committee and who shall be selected from the commission or selected from the community at large. These individuals shall perform the responsibilities outlined in Sections 7-3-11 and 7-5-10 of this chapter, and

(3) Such additional powers and duties as may be set forth for the Asheville Downtown Commission elsewhere in this chapter and in other laws and regulations.

d. **Amend Section 7-3-10(a) to read as follows:**

(1) Make recommendations on amendments to guidelines for alterations, demolitions, and new construction in the River District review area;

(2) Designate four members to a joint Design Review Committee who shall be selected from the commission or selected from the community at large. These individuals shall shall perform the responsibilities outlined in Sections 7-3-11 and 7-5-10 of this chapter, and

(3) Such additional powers and duties as may be set forth for the Asheville Area Riverfront Redevelopment Commission elsewhere in this chapter and other regulations of the city.

e. **Amend Section 7-3-10(c) to read as follows:**

(c) *Meetings.* The city's Asheville Area Riverfront Redevelopment Commission shall hold meetings in accordance with division 13 of article III of chapter 2 of the Code of Ordinances of the City of Asheville.

f. Amend Article III by adding a new Section 7-3-11 that reads as follows:

Sec. 7-3-11. - Asheville Design Review Committee.

(a) *Powers and duties.* The Asheville Design Review Committee shall be a joint committee of the Asheville Downtown Commission and the Asheville Area Riverfront Redevelopment Commission and have the following powers and duties, to be carried out in accordance with the terms of this chapter:

(1) Review and make comment on major works projects within designated design review areas in accordance with the respective design guidelines adopted for each area;
(2) Adopt and amend guidelines for alterations, demolitions, and new construction within designated design review areas;
(3) To perform studies and/or prepare plans for desirable standards and goals for the aesthetic enhancement of the city. These plans may include the entire city or any part thereof, and may include private as well as public property; and
(4) Such additional powers and duties as may be set forth for the Asheville Design Review Committee elsewhere in this chapter and in other laws and regulations.

(b) *Membership; terms; vacancies.*

(1) The Asheville Design Review Committee shall consist of nine members, the majority of which shall have demonstrated special interest, experience or education in architecture, historic preservation, landscape architecture, urban planning or related fields. All members shall have equal rights, privileges, and duties.
(2) All members shall serve three-year terms. All members shall serve a maximum of two terms.
(3) The Asheville City Council shall appoint eight members to the Asheville Design Review Committee with four members selected from the Downtown Commission, and four members selected from the Asheville Area Riverfront Redevelopment Commission, in accordance with the Council's rules of procedure. Vacancies shall be filled as they occur by the Asheville City Council.
(4) The ninth member of the committee shall be selected by a majority vote of the seated members of the Asheville Design Review Committee.
(5) Preference will be given to applicants who represent at least one of the Asheville Design Review Committee's interest areas in addition to the seat requirements:
- Persons with disabilities

- Transit users
- Seniors

(c) *Meetings.* The Asheville Design Review Committee shall hold regular monthly meetings in accordance with the published schedule for the committee.

(d) *Rules and records.* The Asheville Design Review Committee shall follow the rules of procedure for the respective commissions. The Asheville Design Review Committee shall keep minutes of its proceedings.

g. Amend Section 7-5-9(a)(1) to read as follows:

(1) *Purpose and application.* Due to their size and level of activity, Level III Developments are expected to have a significant impact upon public services and infrastructure and need to be managed for the benefit of the neighborhood or city as a whole. Approval for a Level III development requires a rezoning to one of the expansion zoning districts found in Article VIII of this chapter and must comply with the specific conditions of that expansion district along with the development standards in the Unified Development Ordinance (UDO), the Standard Specifications and Details Manual, and based upon goals outlined within the Comprehensive Plan or other adopted plans.

h. Amend Sections 7-5-9(a)(1)(a)(4-6) to read as follows:

4. Any residential development or residential subdivisions containing 50 or more individual dwelling units;
5. Any campground, camper-trailer park, or combination thereof, with 50 or more individual sites and/or units.
6. Any hotel, whether alone or in combination with other uses, that:
   a. Fails to meet the criteria in Sec. 7-9-7(f) of this chapter,
   b. Is over 100 feet in height, or
   c. Has a room count over 115 rooms.

i. Amend Section 7-5-9.1(a)(1) to read as follows:

(1) *Purpose and application.* Due to their size and/or height, along with the level of activity associated, Level III Developments are expected to have a significant impact upon public services and infrastructure and the character of the downtown environment, and need to be managed for the benefit of the neighborhood or city as a whole. Approval for a Level III development for parcels zoned Central Business District and located in the Downtown Design Review Overlay District (CBD/DDR) require rezoning to the Central Business Expansion District and includes individualized development conditions. If a property is currently zoned Central Business District, the only available expansion district for rezoning is Central Business Expansion District. Proposed developments in the Central Business District which fall into one or more of the following categories are Level III developments:

j. Amend Section 7-5-9.1(a)(1)(c) to read as follows:

c. Any hotel, whether alone or in combination with other uses, that:

1. Fails to meet the criteria found in Sec. 7-9-7(f) of this chapter,
2. Is over 100 feet in height, or
3. Has a room count over 115 rooms.

k. Amend Section 7-5-10. Downtown Design Review. by deleting the existing text in its entirety and replace with:

Sec. 7-5-10. - Design Review.

(a) *Purpose.* The design review procedure seeks to encourage new construction and the renovation and rehabilitation of existing structures in a manner that will promote visual harmony, enhance the historical integrity, and develop creative design solutions. While the design guidelines will not dictate architectural styles, they will suggest a variety of design options for achieving compatibility within the designated design review boundaries along with encouraging consistency with other city adopted goals and plans.

(b) *Scope of design review - mandatory review, voluntary compliance.* Mandatory design review of major and minor works is required for all projects located on properties in one of the following design review areas:

Downtown Design Review Overlay District

River District Design Review Area

Hotel Overlay District

Additionally, mandatory design review of major works is required for all new construction that includes a hotel as a use in the Central Business Expansion District or the Commercial Expansion District.

Locally designated historic landmarks shall be reviewed by the historic resources commission of Asheville and Buncombe County in accordance with Sec. 7-5-11 of this Chapter and is not subject to this review procedure.

(c) *Minor works.*

(1) *Minor works defined.* Minor works projects shall include all projects for which a building, sign, zoning and/or demolition permit is required and which do not meet the threshold of a major work. These works commonly include exterior rehabilitation and repair in which structural or character defining features remain intact; the addition of or changes to exterior illumination, painting, landscaping, signage, sidewalk, parking or other site features; and building additions that are 500 square feet or less for contributing historic structures, or 1500 square feet or less for all other structures.

In addition, variance requests must be reviewed for compliance with applicable design review guidelines.

(2) *Pre-application conference.* A pre-application conference is encouraged prior to submitting an application for a minor work within a designated design review area. Applicants should call or visit the designated design review staff prior to making an application to discuss proposed design changes and to determine what information is required for the application.

(3) *Application submittal.* Applications for minor works shall be ministerial in nature and reviewed administratively by design review staff. Applicants are encouraged to apply for minor works during the design development phase of the project.

a. *Filing of application.* An application for a minor work shall be submitted to the Development Services Department.

b. *Fees.* Fees are charged for a minor works design review and permitting process in accordance with the Fees and Charges Manual.

c. *Information required.* Each application for minor works review shall include the information described in the applicable design review area checklist(s).

(4) *Staff review.* Design review staff shall review a complete minor works application within ten working days of receipt of the application. The ten day review period will not begin until all necessary application materials are received. In the event that an application is determined to be incomplete or missing necessary checklist information, design review staff will contact the applicant to inform them of the missing information.

(5) *Public notification.* No public notification is required for a minor works review.

(6) *Formal review.* Minor works are administratively reviewed. No formal review before the Design Review Committee is required for a minor work.

(d) *Major works.*

(1) *Major works defined.* A major works review is required for those projects which involve a substantial change in the appearance of a building, structure, or site, including new construction, demolition or relocation of buildings or structures, and significant renovations or reconstructions. A major works review shall be required for any of the following:

a. All projects meeting the designated thresholds for Level I, II or III site plan review.

b. Additions or expansions of structures over 500 square feet for contributing historic structures or 1500 square feet for all other buildings.

c. Any renovation or rehabilitation of a structure where the street facing façade(s) or roofline is not left structurally intact.

d. Demolition of structures greater than 5,000 square feet.

(2) *Pre-application conference.* A pre-application conference is required prior to making application for a major work within a designated design review area. Applicants should call or visit the designated design review staff prior to making application to discuss the proposed development plan and to determine what level of information is required for submittal.

(3) *Application submittal.* Applicants are strongly encouraged to make an application for major works review at the design development phase of the project.

a. *Filing of application.* A complete application for a major work shall be submitted to the Development Services Department to begin the review process and scheduling for formal review by the Design Review Committee.

b. *Fees.* Fees are charged for a major works design review and permitting process in accordance with the Fees and Charges Manual.

c. *Information required.* Each application for a major work review shall include the information on the standard check lists for Level I, II and III projects as applicable, along with building elevations, building sections and context analysis. Applicants may wish to submit a project model including nearby affected properties.

(4) *Staff review.* The designated design review staff shall review a complete application within ten working days of receipt of the application. The ten day review period will not begin until all necessary application materials are received. In the event that an application is determined to be incomplete or missing necessary checklist information, design review staff will contact the applicant to inform them of the missing information.

Immediately following the review of the application, staff will schedule a formal review of the application for the next available regular meeting of the Design Review Committee according to their published schedule.

(5) *Public notification.* Public notification shall be made in accordance with the requirements outlined in section 7-5-20, except that published notice shall not be required.

(6) *Formal review.* Major works shall be reviewed by the Design Review Committee with a recommendation from the design review staff as part of a mandatory review, voluntary compliance program. The Design Review Committee will meet according to the published schedule to review and vote on major works proposed within the designated design review areas. Applicants are encouraged to prepare a presentation to be given at this

review. No city permits can be processed or variances heard until this formal review with the board is completed.

(e) *Variances.* No variance from other city regulations shall be heard by the Board of Adjustment until the proposed project has completed the applicable minor or major works review.

(f) *Appeals.* The design review process has been designated by the Asheville City Council as a mandatory review and voluntary compliance program. Applicants are strongly encouraged to implement their plans for activities within the designated design review areas in accordance with the adopted guidelines and/or recommendations of the Design Review Committee.

l. Amend Section 7-5-18. - River District Design Review. by deleting it in its entirety and replace with:

Sec. 7-5-18. - Reserved.

m. Amend Section 7-5-20(b)(1) to read as follows:

(1) *Published notice.* Notice for hearings required by this chapter shall be published in a newspaper of general circulation no later than ten days prior to the date on which the application is to be considered. Public meetings held by the Design Review Committee shall be exempt from this notice requirement.

n. Amend Section 7-8-1(b). Table of Permitted Uses as follows:

[See separate table for edits to columns and cells]

o. Amend Section 7-8-40(b-f) to read as follows:

(b) *Allowable land uses.* All permitted uses in the Central Business Expansion District are identified in the Table of Permitted Uses, Sec. 7-8-1(d).

[delete small table]

(c) *Special Standards.* Special standards found in 7-16-1, for 'eating and drinking establishments', 'gasoline sales', and 'microbrewery' in the Central Business District also apply to Central Business Expansion District developments.

(d) *Hotels.* All hotel uses, if included, must be located within the Hotel Overlay District.

(e) *Development standards.* All proposals in the Central Business Expansion District shall meet the development standards found in 7-8-18(f).

[delete 1-15]

p. Amend Section 7-8-41. Institutional Expansion District, by deleting this section in its entirety and renumber 7-8-42. Commercial Expansion District to 7-8-41. Commercial Expansion District.

q. **Amend (newly renumbered) Section 7-8-41. - Commercial Expansion District by replacing with the following:**

(a) *Purpose.* The Commercial Expansion District (COM EXP) is established to provide areas for large scale commercial or nonresidential developments that meet the definition of a Level III development. This district is intended to encourage a concentration of uses and activities, efficient use of infrastructure and resources, and multimodal connectivity through innovative, sustainable design that integrates appropriately with adjacent uses. Residential uses may be permitted as part of a commercial mixed-use development. The Commercial Expansion District is a conditional district that is applied for through a rezoning application.

(b) *Allowable land uses* . All permitted uses in the Commercial Expansion District are identified in the Table of Permitted Uses, Sec. 7-8-1(d).

[delete small table]

[delete "c. *Reserved.*"]

[delete "d. *Prohibited uses.*" and re-letter following items]

(c) *Drive-thru.* Drive-thru uses, if provided, must be located within the development utilizing internal access and avoiding the primary access corridor(s). In addition, drive thru uses may not be located within 250 feet of residentially zoned property.

(d) *Development standards.* All proposals in the Commercial Expansion District shall meet the following development standards:

(1) *Density.* Residential uses are permitted as part of a commercial mixed-use development. The maximum residential density within the Commercial Expansion District shall be 20 dwelling units per acre. Density may be increased 50 dwelling units per acre if 20 percent of the dwelling units meet affordability standards set by the City for households earning 80 percent or less of area median income. Affordable units must be affordable to and leased to income eligible households for at least 20 years. For sale units must be available to income qualified households for the initial sale.

(2) *Structure size standards.* None.

(3) *Lot size standards.* One acre.

(4) *Lot width standards.* The minimum lot width shall be 100 feet along a publicly maintained right-of-way(s).

(5) *Setback standards.* The following minimum setbacks shall be required for uses in the Commercial Expansion District.

Front: 15 feet for mixed use buildings oriented to face a primary road, and 35 feet for all other cases.

Corner lot, street side: 25 feet.

Side: None required.

Rear: 25 feet.

Setbacks along front and corner side street frontages may be reduced to ten feet when the property is located in areas designated as urban in nature based on future land use categories and where road widening is not anticipated. If reduced, all parking shall be located to the side or rear and not closer to the street than the façade of the principal structure, and where pedestrian-oriented design features are incorporated in building and site design.

The landscape and buffering standards (section 7-11-3) may require additional setback; if so, the most restrictive requirement shall apply.

(6) *Impervious surface standards.* 80 percent.

(7) *Height standards.* The maximum height of structures in the Commercial Expansion District shall be 80 feet.

(8) *Landscape and buffering standards.* Landscape and buffering shall be provided as required by section 7-11-3 of this chapter.

(9) *Parking and loading facilities.* Parking and loading facilities shall be provided as required by section 7-11-2 of this chapter. Parking lots shall be located to the side or rear of all building(s) fronting the primary street(s), and are encouraged to be placed to the side or rear of all buildings located along the internal access routes (as applicable).

(10) *Sidewalk standards.* Sidewalks shall be provided as required by and pursuant to the requirements for sidewalks as set forth in section 7-11-8 of this chapter and shall be a minimum of ten feet wide. In addition to sidewalks provided along street frontages, sidewalks will also be required to connect to the principle uses(s) within the development and shall meet a minimum standard width of eight feet.

(11) *Access and mobility standards.* Multimodal access to the development shall be analyzed at the planning stage. Vehicular access to the development should be limited to arterials or collector streets with a single driveway connection. Bike lanes into the development and on internal streets (if applicable) should be a part of the development plan. Access and cross access should be evaluated to connect to adjoining properties to improve roadway capacity, ensure driver safety and mobility options for bicyclists and pedestrians. Stub out connections may be constructed if cross access is not available. Transit shelters should be considered for developments along transit routes coordinated with the transportation department. Greenway connections through the development or to nearby existing or planned greenways should be provided for.

(12) *Open space standards.* Open space shall be provided as required by section 7-11-4 of this chapter.

(13) *Design and operation standards.* If applicable, there should be general compatibility with height and building step-back standards with an adopted form based code or other adopted plans or design guidelines in place for, or adjacent to, the project area. Where the form code standards conflict with the standards in this subsection, the form code standards shall control. Where there is no form code, the following standards shall apply:

a. The front of the building shall be oriented towards the primary access corridor. Building sides should be similar to their fronts. On corner lots the building or portions of the building must be located at the street corner.

b. All buildings shall include a well-defined operable entrance at regular intervals not exceeding 75 feet on each primary façade to encourage access by pedestrians.

c. Fenestration is required along the building façade(s) facing the primary access corridor, for a minimum of 40 percent of the ground floor horizontal dimension.

d. Within 100 feet of a residentially zoned area, the height of buildings and other structures shall be subject to the height limitations of the residential zone to form a transition area.

e. Trash collection and other delivery functions should be directed away from residentially zoned areas.

These standards shall not apply to industrial or institutional projects.

(14) *Emergency wireless communications.* Communication requirements shall be provided as required by section 7-11-9 of this chapter.

r. Renumber 7-8-43. - Residential Expansion. to 7-8-42. - Residential Expansion.

s. Amend (newly renumbered 'Residential Expansion') 7-8-42(b-d) as follows:

(b) *Allowable land uses* . All permitted uses in the Residential Expansion District are identified in the Table of Permitted Uses, Sec. 7-8-1(d).

[delete small table]

(c) Reserved.

(d) *Development standards.* All proposals in the Residential Expansion District shall meet the following development standards:

(1) *Density standards.* The maximum residential density per acre within the Residential Expansion District shall be 20 dwelling units; or 50 dwelling units if 20 percent of the dwelling units meet affordability standards set by the City for households earning 80 percent or less of area median income. Affordable units must be affordable to and leased to income

eligible households for at least 20 years. For sale units must be available to income qualified households for the initial sale.

[following items "2" through "14" to remain unchanged]

t. **Amend Article VIII by deleting Sections 7-8-44. - Industrial Expansion, 7-8-45. - Lodging Expansion and 7-8-46. - Mixed Use Expansion in their entirety.**

u. **Amend Section 7-9-7. - Transition Overlay District. by deleting the existing text in its entirety and replace with the following:**

Sec. 7-9-7. - Hotel Overlay District.

(a) *Purpose.* The hotel overlay district addresses concerns unique to the impacts associated with lodging and related land use activities. The intent of this overlay district is to establish standards to guide the size, location, design, development and operational standards of future hotel development.

(b) *Permitted uses.* In addition to the uses permitted in the underlying zoning district, large and small hotels shall be permitted in the hotel overlay district provided that hotels meet the design and operational standards set forth in this subsection. Hotel uses are further limited to the following sub districts as follows:

Hotel Overlay District A - Large and small hotels
Hotel Overlay District B - Small hotels only

(c) *Designation of hotel district.* The designation of properties as a hotel overlay district shall be treated as a zoning map amendment with the designation of these districts subject to the procedures and requirements set forth in Article VII of this chapter. The boundaries of each hotel district shall be identified on the Official Zoning Maps of the City of Asheville with copies of these maps maintained in the Planning and Urban Design Department.

(d) *Scope of overlay districts and relationship to other regulations.* The hotel overlay district standards are applied in conjunction with the underlying zoning district but may modify any portion of the standards of the underlying zoning district. The provisions of the hotel overlay district may apply additional requirements, or allow exceptions to general regulations. When there is conflict between the hotel overlay district and the standards established by the underlying zoning district or other regulations of this chapter, the hotel overlay district standards shall control, unless located in the Central Business District, Biltmore Village Historic District, or the River Arts Form Code District, in which case the development requirements of these districts shall control unless specifically indicated otherwise as in sections (g)(2)(a), (g)(3)(a) &(c) below.

(e) *Adoption criteria.* A Hotel Overlay District may be extended if all the following criteria are met:

(1) The future land use designation of the property proposed for the hotel district includes hotels as a suitable land use;

(2) Property is directly adjacent and contiguous to other Hotel Overlay District areas.
(3) Property is further than 100 feet from other residentially zoned property.
(4) Utility and transportation infrastructure is adequate to meet the needs of the development without public investment; and
(5) No publicly funded housing, services, or programming located adjacent to the proposed hotel district are displaced or negatively impacted by the development.

(f) *Review.* Developments within the hotel district shall follow the processes outlined in Article V of this Chapter except that all hotels or mixed-use developments that include a hotel as a primary use, may be reviewed as a Level II provided the total square footage of the uses other than the hotel are less than 100,000 square feet:
(1) Compliance with all applicable development standards is achieved and modification of those standards is not required; and
(2) The applicant voluntarily incorporates the recommendations of the Design Review Committee as demonstrated by an affirmative majority vote.

(g) *Development Standards.* All hotel developments in the Hotel Overlay District shall meet the following development requirements:
(1) Site standards
a. *Setbacks.* A minimum setback of five feet shall be required for the front. Side and rear setbacks shall be required as identified in the underlying zoning district in which the project is located.
b. *Open space.* Open space shall be provided as required by Sec. 7-11-4 of this chapter.
c. *Impervious surface.* The maximum impervious surface shall be established by the underlying zoning district standard.
d. *Parking.* Parking and loading facilities shall be provided as required by Sec. 7-11-2 of this chapter.
i. When parking is located between a building and the street, parking shall be set back an average 20 feet from the property line or right-of-way line, whichever is more restrictive. In any instance, a minimum setback of 10 feet shall be maintained at all points.
e. *Landscape and buffering.* Landscape and buffering shall be provided as required by Sec. 7-11-3 of this chapter. No buffer reductions shall be permitted for hotels.
f. *Lot size.* Lot size shall be required as identified in the underlying zoning district in which the project is located.
g. *Lot width.* All new construction of large hotels shall maintain a minimum lot width of 100 feet. Properties without frontage on a public or privately maintained right-of-way shall be required to extend a new right-of-way and street to meet this standard.
h. *Sidewalks.* Sidewalks shall be provided as required by and pursuant to the requirements for sidewalks as set forth in Sec. 7-11-8 of this chapter. In addition, the following shall apply to sidewalks:

i. Sidewalks along road corridors shall maintain a minimum width of 10 feet and shall be set back a minimum of eight feet from any collector or arterial road, and five feet from all local roads.
ii. Sidewalks shall be designed and graded to connect to existing or future adjacent sidewalks and provide easements where necessary.
iii. Sidewalks internal to the site shall meet a six foot wide minimum standard and connect principal uses and buildings.
iv. Doors, planters, utility boxes and other permanent elements shall not encroach into any minimum sidewalk width.

(2) Operational standards

a. *Guest drop-off & loading areas.* For properties located in the Central Business District and the River and Haywood Road Form Districts, guest drop off and loading areas shall be located to the side or rear and not in front of the leading edge of any facade that abuts any public street.
b. *Operable pedestrian entrances.* All buildings shall include a minimum of one well-defined operable entrance on the façade(s) abutting the primary street corridor.
c. *Mix of uses & ground floor activation.* For buildings with a width greater than 50 feet, and when located in the Central Business District or the River Arts Form Code areas, a minimum of 50 percent of the street facing facade shall be set aside as a separate, occupiable storefront(s) and must have their own public entrance from the street. Where multiple facades face a public street, the 50 percent minimum may be aggregated.
d. *Noise & other land use conflicts.* The following facilities or uses may not be located within 100 feet (excluding rights-of-way) of a residential zoned area:
   - restaurants
   - bars and nightclubs
   - dumpster, trash and recycling facilities
   - loading docks and maintenance facilities
   - outdoor pools, decks, patios and dining areas
e. *Public benefit.* All projects shall incorporate features that provide a public benefit as identified in Appendix 7-A. - Public Benefits.
f. *Traffic Impact Analysis.* A Traffic Impact Analysis shall be required per Sec. 7-11-6.
g. *Shuttles.* All large hotels shall provide a shuttle service to guests.

(3) Building design standards. These requirements shall apply to new construction and not apply to hotels that propose to occupy or adaptively reuse existing structures.

a. *Height.* The height of all new buildings shall be established by the underlying zoning district.
b. *Fenestration.* Fenestration is required along all building façade(s) at the following rates:

i. *Facades facing primary and secondary streets*. 50 percent minimum of the ground floor elevation, and 20 percent minimum for upper stories.

ii. *Non-street facing facades*. 20 percent minimum for all stories. Fenestration is measured from top of the finished floor to the top of the wall plate. The percentage is derived for each story based on the transparent area of all ground or upper story windows and doors divided by the total area of the ground or upper story facade.

c. *Parking structures*. Parking garages fronting on, and located within 50 feet of primary and secondary streets in the Central Business District and River Arts District shall provide a full habitable story and use along the street-side façade(s) with a minimum depth of 20 feet.

d. *Driveways and garage openings*. One driveway or garage opening shall be permitted per street frontage and the total linear frontage of driveways/garage openings shall not exceed 50 percent of the total street frontage.

e. *Lighting*. Outdoor lighting must comply with Sec. 7-11-10 of this chapter. The use of tube lighting or illuminated wall panels is expressly prohibited.

f. *Signage*. Identification signage for hotels shall be limited to a maximum of 80 square feet of attached, wall-mounted signage that may be divided into two signs, and a maximum of 60 square feet for a free-standing sign with a maximum height of 12 feet. This height limit shall not apply to a multi-tenant, joint identification sign.

(h) Amend Sections 7-17-1(c)(2) & (5) to read as follows:

(2) *Dimensional nonconformity* means any lawful nonconformity involving a dimensional or numerical development requirement except those involving signs or landscaping and buffering which are addressed in article XIII and section 7-11-3, respectively. Dimensional nonconformities may include, without limitation, nonconformities associated with lot size, lot width, lot depth, lot coverage setbacks, impervious surface standards, open space, number of parking spaces, or separation requirements between particular uses or zoning districts, and structure size and placement standards including height, gross floor area, footprint area, number of stories, build-to zone, fenestration, step-back and building frontage.

(5) *Nonconforming use* means a nonconformity involving the use of the property when that use was lawfully established. This may include, without limitation, nonconformities associated with a use not permitted in the zoning district in which it is located, a use conditionally allowed in the zoning district in which it is located but for which no conditional use permit has been obtained, or residential density that exceeds the maximum permitted in the zoning district in which it is located.

(i) Amend Section 7-17-1 by adding a new subsection "(d)" that shall read:

(d) *Expansions*. A lawful nonconformity shall not be extended, expanded, enlarged or increased in any manner that would increase either the degree of the

dimensional nonconformity, or the extent or intensity of the lawfully established nonconforming use. Such prohibited activity shall include, without being limited to:

1. A physical addition to, or expansion of, a structure that creates a new, or increases the extent of an existing, dimensional nonconformity;
2. An extension or transference of a nonconforming use into new construction including separate buildings, building additions, or expansions;
3. An extension of the use within an existing structure to any floor area not occupied by the use at the time that it became nonconforming;
4. An expansion to any outdoor areas used in direct support of a nonconforming use beyond the limits existing at the time that the use became nonconforming.

(j) Amend UDO Article XVII by replacing subsection 7-17-4 in its entirety with the following:

Sec. 7-17-4. - Maintenance, repair and replacement.

(a) *Public safety.* In the interest of the public safety and health, structural alterations or renovations of lawfully nonconforming structures, conforming structures on lawfully nonconforming lots, or conforming structures devoted in whole or in part to a lawfully established nonconforming use, which are required by any public law, and so ordered by a public officer in authority, shall be permitted.

(b) *Ordinary repair and maintenance.* Routine maintenance and incidental repair or replacement shall be permitted for lawfully nonconforming structures provided that the repair or maintenance shall neither create a new nonconformity, nor increase the degree of the existing nonconformity. The addition of facilities to improve handicapped accessibility or energy conservation may also be permitted provided all applicable development standards can be met.

(c) *Replacement/reconstruction.* The reconstruction of a lawfully nonconforming structure and/or a structure that is occupied by a nonconforming use, which has a valid certificate of occupancy and which is destroyed by an event resulting from natural causes, without human intervention or agency, and one that could not have been prevented by reasonable foresight or care, may be restored to its original dimensions and conditions, provided:

1. The reconstruction does not increase the degree, extent or limits of the nonconformity;
2. A valid building permit is issued within 12 months of the date of the event; and,
3. That the use occupying the structure after repair does not result in a change of use.

Nothing herein shall prevent a reconstruction that removes or reduces the nonconformity.

(k) Amend Chapter 7, Appendix 7-A. - Reserved by inserting a new Appendix that reads:

Appendix 7-A. - Public Benefits Table

Appendix 7-A **Public Benefits Table**

Hotel Location & Size	Points Requirement	Hotel Location & Size	Points Requirement
Urban (CBD/Biltmore Village/RAD)		Suburban (outside CBD/Biltmore Village/RAD)	
35 rooms and under	140 points	35 rooms and under	100 points
36-60 rooms	180 points	36-60 rooms	130 points
61+ rooms	220 points	61+ rooms	160 points

Topic	Action	-50	-20	10	20	30	40	50	60	70	80	90	100	110	120	140	180	210	Notes
Group 1																			
Only 1 may be selected	Adaptive reuse of historic building							X											As per the Secretary of Interior standards.
	One Green Globe						X												
	LEED Certified								X										
	LEED Silver/Two Green Globes										X								
	LEED Gold/Three Green Globes												X						
	LEED Platinum/Four Green Globes														X				
	Net Zero Building																	X	
Group 2 - AT LEAST 50% OF REQUIRED POINTS MUST COME FROM THIS GROUP																			
Only 1 may be selected	Affordable Housing/Reparations - Option #1												X						$3,000/room to the city's Housing Trust Fund (HTF) or Reparations Fund
	Affordable Housing/Reparations - Option #2														X				$4,000/room to the city's Housing Trust Fund (HTF) or Reparations Fund
	Affordable Housing/Reparations - Option #3																	X	$6,000/room to the city's Housing Trust Fund (HTF) or Reparations Fund
	Affordable Housing - Option #4														X				Production of newly constructed affordable for-sale housing at a rate of 0.1/room at 80% AMI permanently affordable (~$240,000 as defined and updated by the city)
	Affordable Housing - Option #5																	X	Production of newly constructed affordable for-sale housing at a rate of 0.2/room at 80% AMI permanently affordable (~$240,000 as defined and updated by the city)
Group 3																			
Only 1 may be selected	Employee Owned Business										X								Certified EO (www.cultivedeo.com)
	Living Wages with Inclusive Hiring								X										To be in place within 3 months of certificate of occupancy
	B Corp Certification														X				
	Transportation benefit *			X															* Only available if providing living wages
	Supporting MWBE						X												$600/room contribution to the city
	Contracting with MWBE			X															
	Neighborhood improvement				X														$300/room contribution to the city
	Public art				X														$300/room contribution to the city
Urban only	Outdoor public plaza - Option #1				X														On-site. Min size: 5% of parcel. Must comply with UDO Sec 7-11-4(I)(2)
	Outdoor public plaza - Option #2						X												On-site. Min size: 10% of parcel. Must comply with UDO Sec 7-11-4(I)(2)
	Structured public parking - Option #1												X						Public parking 25% of rooms. On- or off-site
	Structured public parking - Option #2															X			Public parking 50% of rooms. On- or off-site
Group 4																			
	Demolition of historic structure	X																	
	Displacement of business/housing		X																Per business/housing unit displaced within the previous or projected 24 months

Section 2: If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 3: All ordinances or parts of ordinances in conflict are hereby repealed to the extent of such conflict.

Section 4: This ordinance will become effective upon adoption.

Read, approved, and adopted this 23rd day of February.

Magdalen Bouleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bouleson
City Clerk

Table of Permitted Uses. The table is a summary listing of uses that are fully defined in section 7-2-5.

Zones	RS2	RS4	RS8	RM6	RM8	RM16	NB	OFF I	OFF II	OB	CBI	CBII	NCD	HB	RB	CI	CBD	LI	IND	RSRT	INST	RIV	URD	UV	UP	ARPT	CBD EXP	~~INST EXP~~	COM EXP	RES EXP	~~IND EXP~~	~~LODG EXP~~	~~MXD EXP~~
Residential Uses								~~P~~	~~P~~	~~P~~	~~P~~	~~P~~				~~P~~																	
Accessory dwelling unit	P	P	P	P	P	P		P	P	P	P	P				P														P			
Accessory dwelling commercial caretaker														P	P	P	P	P	P		P	P							P				
Dwellings, Duplex				P	P	P		P	P	P	P	P	P	P	P	P	P			P	P	P	P	P	P					P			
Dwelling, Townhouse			P	S	S	S		S	S	S	S	S	S	S	S	S	S			S	S	S	S	P	S				P	P			
Dwellings, Multi-family				P	P	P	S	P	P	P	P	P	P	P	P	P	P			P	P	P	P	P	P				P	P			
Dwelling, Single family detached	P	P	P	P	P	P		P	P	P	P	P		P	P					P	P		S	P	S					P			
Cottage Development			S	S	S	S																								P			
Sustainable Development Projects				S	S	S		S	S	S	S	S		S	S	S					S	S											
Public and Institutional Uses	RS2	RS4	RS8	RM6	RM8	RM16	NB	OFF I	OFF II	OB	CBI	CBII	NCD	HB	RB	CI	CBD	LI	IND	RES	INST	RIV	UR	UV	UP	ARPT	CBD EXP	~~INST EXP~~	COM EXP	RES EXP	~~IND EXP~~	~~LODG EXP~~	~~MXD EXP~~
Institutional Uses																																	
Armories														P	P	P		P	P			P							P				
Assisted living facilities						S		P	P	P	P	P	S	P	P	P	P			P	P	P	S	S	P				P	P			
Civic, social service & fraternal organizations						S		P	P	P	P	P	P	P	P	P	P				S	P	P	P	P		P		P	P			
Convention, Conference, and/or Exhibit Centers												P		P	P	P	P			P	P	P					P		P				
Colleges and Universities														P	P	P	P		S		P	P		P	P				P	P			
Day Care Center, Adult						S		S	S	P	P	P	S	P	P	P	P			P	P	P	S	S	P				P	P			
Day Care Center, Child						S		S	S	P	P	P	S	P	P	P	P			P	P	P	S	S	P				P				
Day Care Home, Adult	S	S	S	S	S	S		P	P	P	P	P		P	P	P	P			P	P	P	S	S						P			
Day Care Home, Child	S	S	S	S	S	S		P	P	P	P	P		P	P	P	P			P	P	P	S							P			
Detention, jails & correctional facilities														C	C	C					EXP						P		P				
Dormitories														P	P	P	P		S		P	P							P				

7-8-1 (b)

Family Care Homes	S	S	S	S	S	S		P	P	P	P	P		P	P	P	P			P	P	P	S				P		P				
Fire/Police stations	P	P	P	P	P	P	P	P	P	P	P	P	S	P	P	P	P	P	P	P	P	P	S	P	S		P		P				
Government buildings and uses								S	S	S	S	S	P	P	P	P	C				S	P	S	P	P	P	P		P				
Group homes			C	C	C	S			P	P	P	P		P	P	P	P				P	P	S	S			P		P				
Hospitals/medical centers														P	P	P	P				P	P							P				
Libraries	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P		P		P				
Museums											P	P	P	P	P	P	P			P	P	P		P	P		P		P				
Orphanages						P				P	P	P		P	P	P	P				P	P		S					P				
Performance centers												P	P	P	P	P	P				P	P		P	P		P		P				
Places of Worship	S	S	S	S	S	S		P	P	P	P	P	S	P	P	P	P		P	P	P	P	S	P	P		P		P				
Post offices without distribution facility							P	P	P		P	P	P	P	P	P	P		P	P	P	P	P	P	P		P		P				
Post office distribution facilities														P	P	P			P			P							P				
Public Utilities & related facilities	S	S	S	S	S	S	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	S	P	P	P	P		P				
Schools	S	S	S	S	S	S		P	P	P	P	P	P	P	P	P	P				P	P	S	S	P		P		P				
Shelters									P	P	P		P	P	P	P				P	P		S				P		P				
Stadiums & arenas															P	P	P		P		S	P					P		P				
Transportation terminals														P	P	P	P		P			P					P		P				
Vocational or Technical School												P	S	P	P	P	P	S	S		P	P		S	P		P		P				
Recreational Uses	RS2	RS4	RS8	RM6	RM8	RM16	NB	OFF I	OFF II	OB	CBI	CBII	NCD	HB	RB	CI	CBD	LI	IND	RES	INST	RIV	UR	UV	UP	ARPT	CBD EXP	INST ~~EXP~~	COM EXP	RES EXP	~~IND EXP~~	LOBG ~~EXP~~	MXD EXP
Arboretums	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P		P	P			
Community Centers	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P				P	P	P	P	P		P		P	P			
Golf Courses	P	P	P	P	P	P				P				P	P	P				P	P	P							P	P			
Parks, Passive and greenways	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P		P	P			
Recreational uses, governmental such as, but not limited to, parks for active use	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P			P	P	P	P	P	P		P		P	P			
Recreational uses, restricted to membership, non-profit	S	S	S	S	S	S			P	P	P	P		P	P	P	P			P	P	P	S				P		P				

Recreational uses necessary to residential uses	P	P	P	P	P	P				P	P	P	P	P	P	P	P			P	P	P	P	P	P		P						
Commercial/Business Uses	RS2	RS4	RS8	RM6	RM8	RM16	NB	OFF I	OFF II	OB	CBI	CBII	NCD	HB	RB	CI	CBD	LI	IND	RES	INST	RIV	UR	UV	UP	ARPT	CBD EXP	~~INST EXP~~	COM EXP	RES EXP	~~IND EXP~~	~~LODG EXP~~	~~MXD EXP~~
Food, Beverage, Entertainment Uses																																	
Adult establishments																C	~~C~~	C	EXP					EXP					P				
Eating/drinking establishments (drive-through facility permitted separately)							S	S	S	S	P	P	P	P	P	P	S			P	S	S	P	P	P	P	S		P				
Nightclubs											P	P		P	P	P	P			S		P		P			P		P				
Microbrewery								S	S	S	P	P	P	P	P	P	S			S	S	P		P	P		S		P				
Mobile food vending								S	S	S	S	S	S	S	S	S	S	S	S		S	S		S	S		S		P				
Movie theaters											S	S	S	P	P	P	P				S	P		P	P		P		P				
Recreational uses, commercial indoor											P	P	P	P	P	P	P			P		P		P	P		P		P				
Recreational uses, commercial outdoor												P		P	P	P				P		P							P				
Lodging																																	
Bed & breakfast inns				S	S	S		S	S	S	S	S	S	S	S						S	S	S		S	S		P	P	P		P	
Boardinghouses						S					S	S	S	S	S		S				S	S		S	S			P	P	P		P	
Campground															P	P				P		P							P			P	
Homestays	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S			S	S	S	S	S	S		P		P	P			P
Hotel, extended stay																				P							P		P			P	P
Hotel, large																				P							P		P			P	P
Hotel, small																				P							P		P			P	P
Short-term vacation rental																				S							P		P			P	P
Office Uses																																	
Business incubator														P		P		P	P			P							P				
Call Center																P		P	S			P							P				
Home Occupations	S	S	S	S	S	S	P	P	P	P	P	P	P	P	P	P	P			P	P	P	S	P	P				P				

Commercial/Business Uses	RS2	RS4	RS8	RM6	RM8	RM16	NB	OFF I	OFF II	OB	CBI	CBII	NCD	HB	RB	CI	CBD	LI	IND	RES	INST	RIV	UR	UV	UP	ARPT	CBD EXP	~~INST EXP~~	COM EXP	RES EXP	~~IND EXP~~	~~LDDG EXP~~	~~MXD EXP~~
Instructional services									P	P	P	P	P	P	P	P	P				P	P		P	P		P	1	P				
Offices							P	P	P	P	P	P	P	P	P	P	P	S	S		P	P	P	P	P	P	P		P				
Radio/Television studios										P	P	P	P	P	P	P	P		P		P	P		P	P		P		P				
Research & technology production uses									P	P		P	P	P	P	P	P	P	P		P	P		P	P		P		P				
Retail/Service Uses																																	
Barber shops & beauty salons							P	P	P	P	P	P	P	P	P	P	P			S	P	P	P	P	P		P		P				
Car washes											P	P	S	P	P	P		P				P		S		P			P				
Cat café																	P										P		P				
Clinics								P	P	P	P	P	P	P	P	P	P				P	P	S	P	P		P		P				
Clinics, veterinary								P	P	P	P	P	P	P	P	P	P				P	P		P	P		P		P				
Commercial use accessory to residential use					S	S	S	S	S	P	P	P	P	P	P	P	P			P	S	P	S	S	S		P		P				
Equipment rental business											S	S	S	S	S	S				S		P			P				P				
Farm Products Market							P			P	P	P	P	P	P	P	P					P	P	P	P		P		P				
Financial institutions (drive-through permitted separately)										P	P	P	P	P	P	P	P				P	P		P	P		P		P				
Flea markets																P			P			P							P				
Funeral establishments										P	P	P		P	P	P	P		P		P	P		S			P		P				
Gasoline sales											P	P	S	P	P	P	S		P			P	EXP	S		P	S		P				
Grocery stores (outdoor storage and gasoline sales uses permitted separately)							P				P	P	P	P	P	P	P					P		P	P		P		P				
Hardware/garden supply stores (outdoor storage permitted separately)							P				P	P	P	P	P	P	P					P		P	P		P		P				
Health & fitness facilities							P			P	P	P	P	P	P	P	P			S	P	P		P	P		P		P				
Heavy equipment & specialized vehicle sales, rental & service														P	P	P			P			P				P			P				
Industrial equipment sales														P	P	P	P	S	P			P					P		P				

Commercial/Business Uses	RS2	RS4	RS8	RM6	RM8	RM16	NB	OFF I	OFF II	OB	CBI	CBII	NCD	HB	RB	CI	CBD	LI	IND	RES	INST	RIV	UR	UV	UP	ARPT	CBD EXP	~~INST EXP~~	COM EXP	RES EXP	~~IND EXP~~	~~LODG EXP~~	~~MXD EXP~~
Kennels														P	P	P						P							P				
Laundry/dry cleaning establishments (drivethrough facility permitted separately)							P			P	P	P	P	P	P	P	P					P	P	P	P		P		P				
Manufactured home sales and servicing														P	P	P						P							P				
Recreational vehicle sales, service & repair														P	P	P						P				P			P				
Motor vehicle and boat sales new & used														P	P	P	C					P							P				
Motor vehicle and boat service & repair business (outdoor storage permitted separately)											S	S	S	P	P	P	S		S			S		S		P			P				
Motor vehicle and utility trailer rental														P	P	P	P	P	P			P							P				
Motor vehicle service facility (outdoor storage and gasoline sales permitted separately)											P	P	S	P	P	P	P		P			P		S		P	P		P				
Pharmacies (drive-through facility permitted separately)							P	S		P	P	P	P	P	P	P	P				P	P	P	P	P		P		P				
Plant sales, nurseries and greenhouses											P	P		P	P	P						P							P				
Printing & publishing												P	P	P	P	P	P	P	P			P		P	P		P		P				
Retail sales (outdoor storage, gasoline sales, drive-through facility uses permitted separately)							S			P	P	P	P	P	P	P	P	S	S	S	S	P	P	S	P	P	P		P				
Self-service storage facilities														P	P	P		P	P			P							P				
Single tenant retail structures, multi-tenant retail structures with GFA of more than 100,000 sq. ft.														C	C	C						C				C			P				
Small Engine service and repair							P			P	S	S	P	S	S	P	S		P			P				P			P				
Studios, galleries & workshops for artists, artisans, and craftspeople - low impact								P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P		P				
Studios, galleries & workshops for artists, artisans and craftspeople - high impact														P	P	P	S	P	P			P					S		P				
Tailors/dressmaker shops							P			P	P	P	P	P	P	P	P			P		P	P	P	P		P		P				

Taxi stands														P	P	P	P					P			P	P							
Tattoo Parlors											P	P		P	P	P	P					P											
Industrial Uses	RS2	RS4	RS8	RM6	RM8	RM16	NB	OFF I	OFF II	OB	CBI	CBII	NCD	HB	RB	CI	CBD	LI	IND	RES	INST	RIV	UR	UV	UP	ARPT	CBD EXP	~~INST EXP~~	COM EXP	RES EXP	~~IND EXP~~	~~LODG EXP~~	~~MXD EXP~~
Concrete plant																		P	P			P							P				
Crematories - animal														S	S	S		S	S		S	S							P				
Crematories - human								S	S		S	S		S	S	S			S		S	S							P				
Industrial uses																P			P			P							P				
Industrial uses, light											S	S			S	P		P				P			P				P				
Recycling operation																S		S	S			S							P				
Recycling plant																			S			EXP							P				
Lumber yards															P	P			P			P							P				
Motor freight terminals																P			P			P							P				
Wholesale sales														P	P	P	P	P	P			P			P		P		P				
Warehousing and storage															S	P		P	P			P				P			P				
Aeronautical—Airport Uses	RS2	RS4	RS8	RM6	RM8	RM16	NB	OFF I	OFF II	OB	CBI	CBII	NCD	HB	RB	CI	CBD	LI	IND	RES	INST	RIV	UR	UV	UP	ARPT	CBD EXP	~~INST EXP~~	COM EXP	RES EXP	~~IND EXP~~	~~LODG EXP~~	~~MXD EXP~~
Aerospace and aviation-related training facilities																										P			P				
Air cargo/freight terminals, operations and activities																										P							
Aircraft hangars, servicing and repair facilities																										P							
Aircraft sales and leasing facilities and services																										P							
Aircraft servicing, manufacturing and retrofitting facilities																										P							
Airport administration and maintenance facilities																										P							
Airport facilities to include runways, aprons, taxiways, weather monitoring facilities, control tower, navigational/communication facilities, airfield lighting, signs & associated structures																										P							

Airport passenger terminal with associated ticket sales, restaurant/lounge/food services, retail sales & services, car rental services, other incidental services and associated short and long-term parking lots																										P							
Airport services																										P							
General aviation services and facilities, including aircraft tie-down & parking areas, support & maintenance shops, concessions, aviation fuel storage & dispensing facilities																										P							
Offices and other facilities that specifically support airport, aviation and aeronautical activities																										P							
Other Use Types	RS2	RS4	RS8	RM6	RM8	RM16	NB	OFF I	OFF II	OB	CBI	CBII	NCD	HB	RB	CI	CBD	LI	IND	RES	INST	RIV	UR	UV	UP	ARPT	CBD EXP	~~INST EXP~~	COM EXP	RES EXP	~~IND EXP~~	~~LOBG EXP~~	~~MXD EXP~~
Accessory structures	S	S	S	S	S	S		P	P		P	P	P	P	P	P	P	P	P	P	P	P	S		P		P		P				
Agriculture	S	S	S	S	S	S	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	S	S	P	P			P				
Ancillary non-residential uses	C	C	C	C	C	C																	C						P				
Antenna	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S		P				
Commercial satellite dishes & related equipment														P	P				P			P							P				
Cemeteries, animal											S	S		S	S	S	S	S	S		S	S							P				
Cemetaries/Columbariums	P	P	P	P	P	P					P	P		P	P	P	P		P		P	P							P				
Drive-through facilities or uses							EXP	S	S	S	EXP		C	P	P	P	S		P		S	S	EXP	S			S		P				
Interim uses on vacant lots								S	S	S	S	S	S	S	S	S	S	S	S	S	S	S		S	S								
Level III Development																											P	~~P~~	P	P	~~P~~	~~P~~	~~P~~
Live-work units							P	P	P	P	P	P	P	P	P	P	P			P	P	P	P	P	P		P		P				
Outdoor storage							EXP				S	S	S	S	S	S	EXP	S	S	S		S					EXP		P				
Parking Decks, Garages, Structures														P	P	P	P				S	P		S	P		P		P				
Parking Lots											P	P		P	P	P	P		P		P	P				P	P		P				
Recycling collection centers											S	S	S	S	S	S		P	P	S	S	S		S					P				
Stables																	S			S		P							P				
Telecommunication towers										C		C		C	C	C		C	C	C	C	C				C			P				

Telecommunication tower/support structure concealed	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C		C	C	C	C	C	C	C	C	C			P				
Telecommunication tower/support structure—Replacement tower	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P				P				
Wireless telecommunication facilities, microcell	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S				P				
Wireless telecommunication facilities, co-location	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S				P				
Wireless telecommunication facilities (concealed)				S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S				P				
Uses Expressly Prohibited	RS2	RS4	RS8	RM6	RM8	RM16	NB	OFF I	OFF II	OB	CBI	CBII	NCD	HB	RB	CI	CBD	LI	IND	RES	INST	RIV	UR	UV	UP	ARPT	CBD EXP	~~INST EXP~~	COM EXP	RES EXP	~~IND EXP~~	~~LOBG EXP~~	~~MXD EXP~~
Adult establishments																	EXP					EXP					EXP						
Asphalt plants																						EXP				EXP			EXP				
Chemical storage facilities																						EXP							EXP				
Detention, jails & correctional facilities																						EXP											
Drive-through facilities or uses							EXP				EXP												EXP										
Gas manufacturing																						EXP							EXP				
Gasoline sales																							EXP										
Gated communities	EXP	EXP	EXP	EXP	EXP	EXP	EXP	EXP	EXP	EXP	EXP	EXP	EXP	EXP	EXP	EXP	EXP			EXP	EXP	EXP	EXP	EXP	EXP		EXP		EXP	EXP			
Hazardous waste management facilities																						EXP							EXP				
Hazardous materials (H1) manufacturing or storage																						EXP							EXP				
Manufacture or storage of ammunition, dynamite, or other high explosives																						EXP							EXP				
Mining																						EXP							EXP				
Outdoor storage							EXP										EXP										EXP						
Paper Mills																						EXP							EXP				
Skywalks/pedestrian bridges over key pedestrian streets																	EXP										EXP						
Slaughter house																						EXP											

Solid waste disposal facilities																						EXP					EXP						
Solid waste landfills																						EXP					EXP						
Uses prohibited by Asheville Flood Protection Standards																						EXP					EXP						
Uses with outdoor speaker systems							EXP																										

NOTES

Permitted = P

A use permitted by right that must still meet all regulatory standards for the applicable district in Sec. 7-8.

USSR = S

A use permitted by right subject to special standards in Sec. 7-16-1, as well as all regulatory standards for the applicable district in Sec. 7-8.

Conditional = C

A use permitted only through approval of the City Council subject to special standards in Sec. 7-16-2, that must also meet all regulatory standards for the applicable district in Sec. 7-8.

Expressly Prohibited = EXP

Use is expressly prohibited in any indicated districts.

Tan - adding or changing category

Accessory Use Only = AP

RES = Residential Zones

MU = Mixed Use Zones

IND = Industrial Zones

S = Special Zones

FN #1 - Living Quarters uses prohibited

FN #2 - Excluding protection service

FN #3 - Allowed as accessory use only

FN #4 - Allowed if no gasoline sales

FN #5 (XP) - Expressly Prohibited

FN #6 - Allowed if indoors only

ORDINANCE NO. 4856

ORDINANCE AMENDING ZONING FOR CERTAIN PROPERTIES LOCATED WITHIN THE CITY OF ASHEVILLE CORPORATE LIMITS

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, the Unified Development Ordinance (Chapter 7 of the City Code of Ordinances) specifies development standards and review processes for commercial development and associated zoning maps to refer to those districts; and

WHEREAS, this zoning map amendment for hotel development aligns with City Council goals and other adopted goals and plans; and

WHEREAS, this proposed amendment is consistent with the *Living Asheville - A Comprehensive Plan for our Future* and is determined to be reasonable, and in the public interest for the following reasons:

1) Encourages responsible growth that aims to control and offset impacts of hotels;
2) Limits the geographic extent of hotels to contextually appropriate locations; and,
3) Encourages historic preservation and adaptive reuse.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

The current zoning map of the City of Asheville be amended to add a new hotel zoning overlay district that shall govern hotel development. A copy of the official zoning map showing said areas is attached hereto as Exhibit "A1" and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed, to the extent of such conflict.

Section 5. The ordinances shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 6. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 23rd day of February, 2021.

Magdalen Burleson
City Clerk

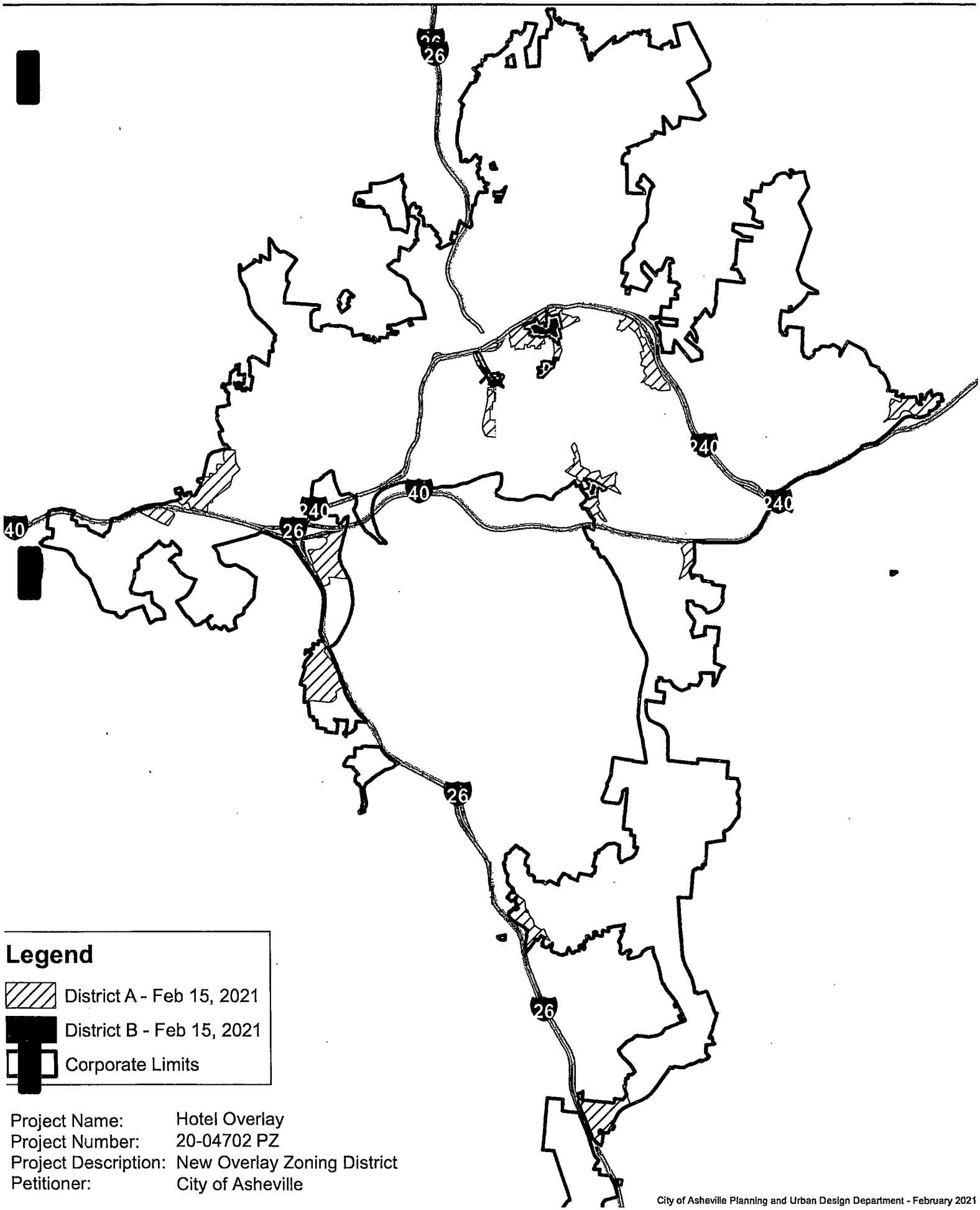
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

Exhibit A1 - Proposed Zoning Map
Hotel Overlay



Project Name: Hotel Overlay
Project Number: 20-04702 PZ
Project Description: New Overlay Zoning District
Petitioner: City of Asheville

City of Asheville Planning and Urban Design Department - February 2021

ORDINANCE NO. 4857

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Fiscal Year 2020-21 Budget Ordinance be amended to provide an appropriation of $21,600 to program funding from the NC Department of Environmental Quality for composting outreach and education, and amend the Special Revenue Fund as follows:

SPECIAL REVENUE FUND

Revenues:

Restricted Intergovernmental State Grants	$18,000
Operating Transfers from General Fund	$1,800
Operating Transfers from Sustainability	$1,800
Total Revenues	$21,600

Appropriations:

Services - Advertising	$21,600
Total Appropriations	$21,600

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved, and adopted this 9th day of March 2021.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

ORDINANCE NO. 4858

ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY OF ASHEVILLE, NORTH CAROLINA, BY ANNEXING A CONTIGUOUS AREA LOCATED AT 99999 MOORECREST ROAD

WHEREAS, the Asheville City Council has been petitioned under N.C. Gen. Stat. Sec. 160A-31, to annex the area described herein; and

WHEREAS, the City Clerk has certified the sufficiency of the petition and a public hearing on the question of this annexation was held in accordance with remote meeting laws at 5:00 p.m. on the 23rd day of February, 2021 and closed 24 hours after the public hearing was recessed, and after due notice by publication on the 12th day of February 2021; and

WHEREAS, the Asheville City Council does hereby find as fact that the petition meets the requirements of N.C. Gen. Stat. Sec. 160A-31 and N.C. General Assembly Session Law 2005-139;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE, THAT:

Section 1. By virtue of the authority granted by N.C. Gen. Stat. Sec. 160A-31, the following described territory is hereby annexed and made part of the City of Asheville, as of the 9th day of March 2021. The property is more particularly described as follows:

BEING in the Hazel Township, Buncombe County, North Carolina, being a portion of the property currently owned by Boomville Properties, LLC as recorded in Deed Book 5901 Page 423 (Tract II), Buncombe County Registry, and being more particularly described as follows:

BEGINNING at a calculated point in the line of Asheville Broadcasting Corp. (Deed Book 1806 Page 551), being the northwesterly corner of Boomville Properties, LLC (Deed Book 5901 Page 423, Tract II), calculated point having NC Grid Coordinates Northing: 690,965.41 feet and Easting: 928,631.85 feet (NAD 83/NSRS 2011), and said calculated point also being in the northeasterly corner of The American Society for the Prevention of Cruelty to Animals (Deed Book 5430 Page 1306) as well as the northeasterly corner of the City of Asheville's Existing Municipal Boundary "Heritage Park Annexation Area" (Ordinance Number 3106, effective date 06/30/2004, Map Book 1 Page 303); thence from said BEGINNING point and with the line of Asheville Broadcasting Corp. N 77°07'30" E, a distance of 225.27 feet to a 1" existing iron pipe, 0.3' above grade, the northwesterly corner of Oak Hill Trust #52 (Deed Book 4803 Page 1206); thence with said Oak Hill Trust #52 S 01°13'49" W, a distance of 133.02 feet to a

1" existing iron pipe, the southwesterly corner of said Oak Hill Trust #52 and the northwesterly corner of Boomville Properties, LLC (Deed Book 5901 Page 423 (Tract I); thence with the apparent City of Asheville Existing Municipal Boundary "West Asheville Annexation" (effective date 01/01/1960) N 84°28'05" W, a distance of 195.27 feet to a calculated point in the easterly line of said The American Society for the Prevention of Cruelty to Animals and "Heritage Park Annexation Area"; thence with said line N 19°17'39" W, a distance of 64.71 feet to a #5 existing iron rebar with I.D. cap "Blue Ridge"; thence N 19°17'39" W, a distance of 3.06 feet to a calculated point; which is the POINT OF BEGINNING, having an area of 20,536 Square Feet (0.47 Acres).

Section 2. From and after the 9th day of March 2021, the above-described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Asheville and shall be entitled to the same privileges and benefits as other parts of the City of Asheville. Said territory shall be subject to municipal taxes according to N.C. Gen. Stat. Sec. 160A-31 and 160A-58.10.

Section 3. The Mayor of the City of Asheville shall cause to be recorded in the office of the Register of Deeds of Buncombe County, and in the office of the Secretary of State in Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the Buncombe County Board of Elections, as required by N.C. Gen. Stat. Sec. 163-288.1.

Read, approved, and adopted this 9th day of March 2021.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

ORDINANCE NO. 4859

ORDINANCE APPLYING ZONING TO PROPERTY LOCATED AT
99999 MOORECREST ROAD

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this rezoning is also deemed an amendment to the City's Future Land Use Map, changing this property from its undesignated state to Traditional Neighborhood; and

WHEREAS, this proposed amendment is consistent with the Living Asheville Comprehensive Plan, Smart Growth policies, and other official plans of the City, and is determined to be reasonable, is in the public interest, and meets the development needs of the community for the following reasons:

a. Supports orderly growth and development by assigning designations consistent with the originating and surrounding parcels,
b. Allows opportunity for compatible infill development, and
c. Supports the development of housing in a locationally efficient area.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

The zoning classification of that certain real property described in Exhibit A and identified on Buncombe County tax maps as a portion of PIN 9628-80-7863; recorded in Deed Book 5901, Page 423; and currently owned by Boomville Properties, LLC, receive the designation of Residential Multi-family, High Density District (RM-16). A copy of the official zoning map showing said lots is attached hereto as Exhibit "A1"

and made a part hereof. In addition, a copy of the Proposed Future Land Use Map is attached hereto as Exhibit C1 and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed, to the extent of such conflict.

Section 5. The ordinances shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 6. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 9th day of March, 2021 .

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

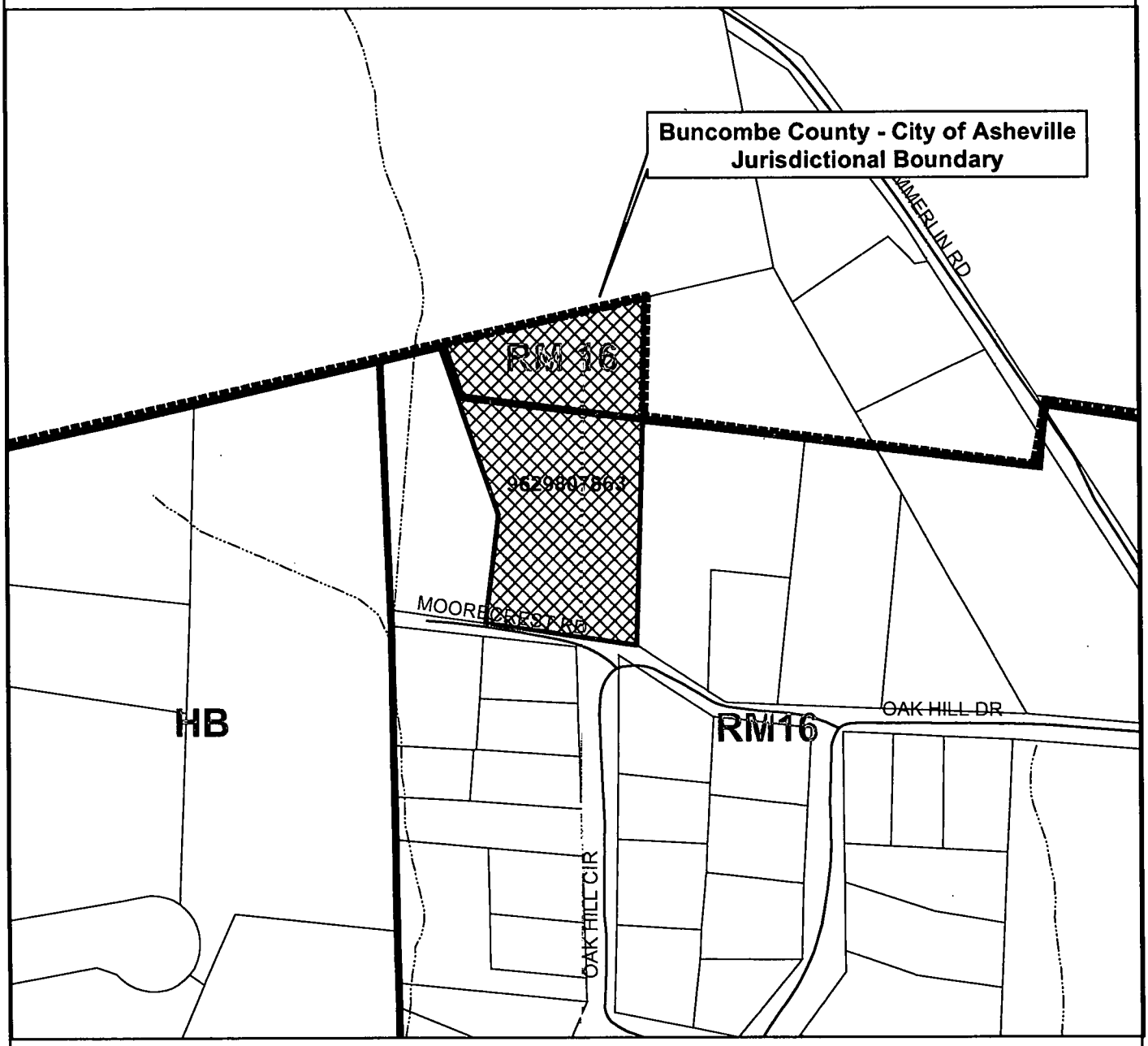
City Attorney

Magdalen Burleson
City Clerk

ASHEVILLE

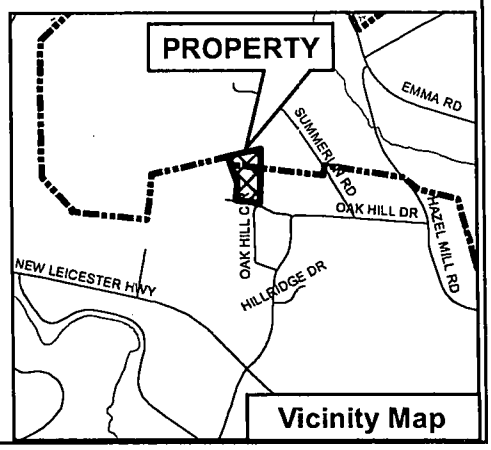
City of Asheville
Exhibit A1 Map - Proposed Zoning
Initial Zoning Petition - 99999 Moorecrest Rd. (p.o.)

N W E S



Project Name: Initial Zoning Assignment
Project Number: 21 - 00469 PZ
Project Description: Assign RM-16
Petitioner(s): Matthew Dyer
Parcel ID Number(s): 9629-80-7863

Location/Address: 99999 Moorecrest Rd.



Project Site | Parcels | Asheville City Limits
Zoning Districts | Streets | River Areas

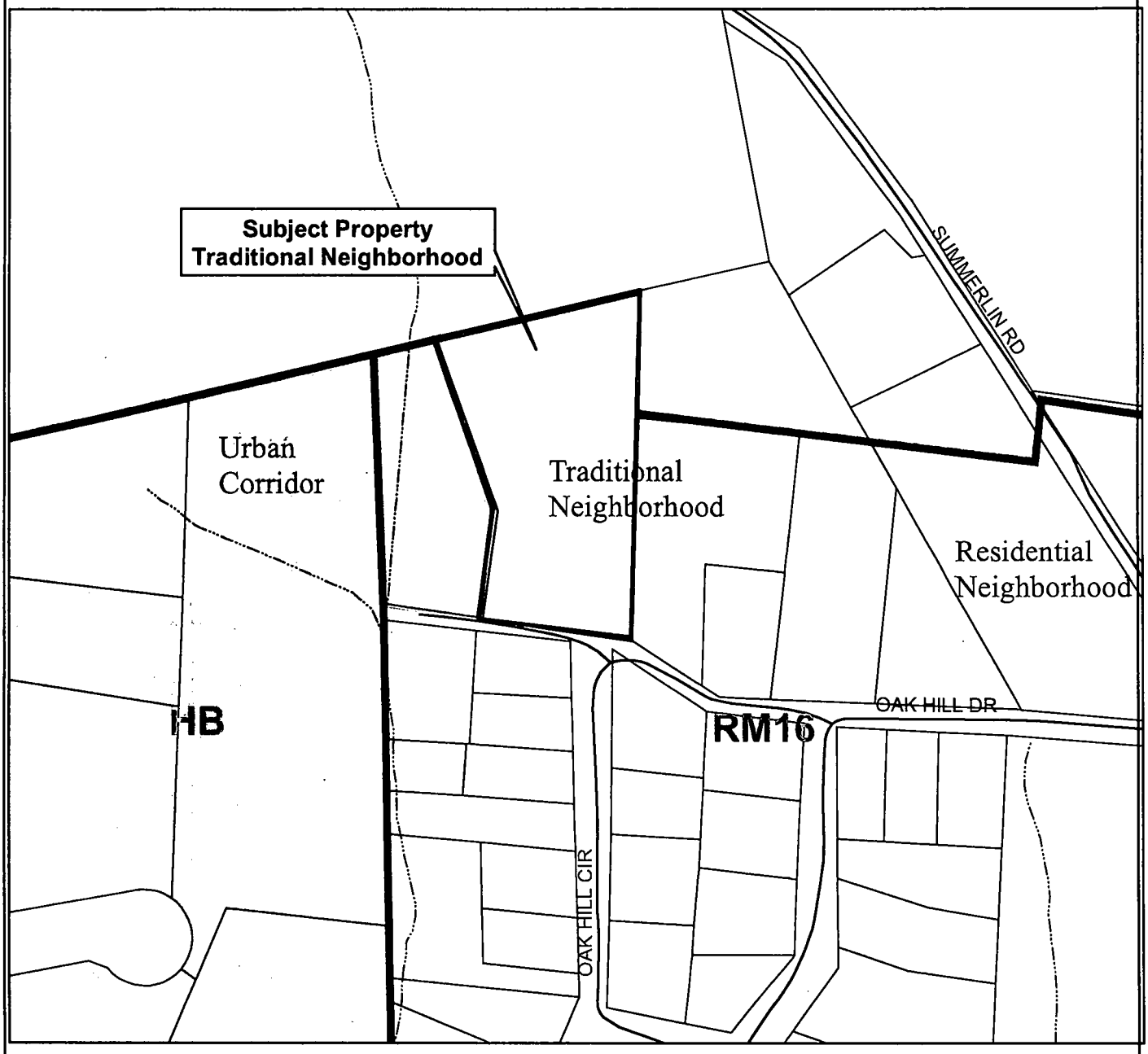
City of Asheville Planning and Urban Design Department - February 2020

250

City of Asheville
Exhibit C1 Map - Proposed Future Land Use
Initial Zoning Petition - 99999 Moorecrest Rd. (p.o.)

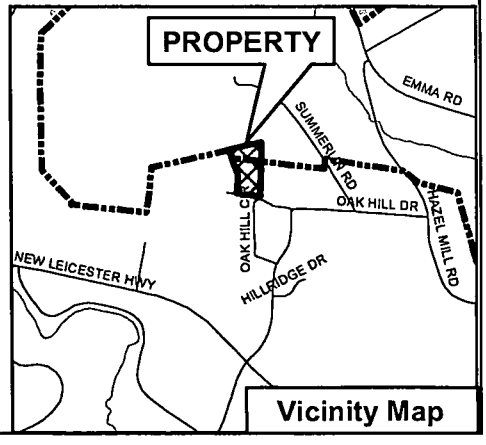
ASHEVILLE

N W E S



Project Name: Initial Zoning/FLU Assignment
Project Number: 21 - 00469 PZ
Project Description: Assign RM-16/Trad. Nbhd.
Petitioner(s): Matthew Dyer
Parcel ID Number(s): 9629-80-7863

Location/Address: 99999 Moorecrest Rd.



Project Site
Zoning Districts
Parcels
Streets
Asheville City Limits
River Areas

City of Asheville Planning and Urban Design Department - February 2020

ORDINANCE NO. 4360 /4860

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Fiscal Year 2020-21 Budget Ordinance be amended to provide an appropriation of $550,000 received in the Property & Liability Fund in consideration for a City of Asheville fire truck property loss to be transferred to Capital Project Fund for the Asheville Fire Department as follows:

PROPERTY & LIABILITY FUND

Revenues:

Insurance Recovery	$550,000
Total Revenues	$550,000

Appropriations:

Transfer to Capital Projects Fund	$550,000
Total Appropriations	$550,000

CAPITAL PROJECTS FUND

Revenues:

Operating Transfer from Prop. & Liability Fund	$550,000
Total Revenues	$550,000

Appropriations:

Machinery & Equipment	$550,000
Total Appropriations	$550,000

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 23rd day of March, 2021.

Magdalen Bowlesson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlesson
City Clerk

252

ORDINANCE NO. 4361 /4861

ORDINANCE AMENDING CHAPTER 7, DEVELOPMENT, OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE TO ALIGN THE UNIFIED DEVELOPMENT ORDINANCE TO CONFORM WITH THE REQUIREMENTS OF SESSION LAW 2019-111, COMMONLY REFERRED TO AS CHAPTER 160D.

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety, and welfare; and

WHEREAS, the Unified Development Ordinance (Chapter 7 of the City Code of Ordinances) (herein "UDO") specifies standards, processes and regulations for development and land use; and

WHEREAS, the North Carolina legislature recently enacted Session Law 2019-111, "An Act to Clarify, Consolidate, and Reorganize the Land-Use Regulatory Laws of the State" commonly referred to as N.C.G.S. Chapter 160D on June 19, 2020; and

WHEREAS, the new law provided flexibility to local governments in the timing for adoption of amendments to conform local development regulations to the new statute, allowing local governments to enact their amendments immediately, if they so choose. Local governments are not required to enact the conforming amendments until July 1, 2021; and

WHEREAS, the City of Asheville has determined that it is its best interest to enact amendments to conform with the new 160D as soon as we are able and the text amendments herein, align several sections of the UDO and other relevant sections of the City Code with N.C.G.S. 160D; and

WHEREAS, the City's adopted "Living Asheville Comprehensive Plan" encourages Responsible Regionalism that seeks to improve regional collaboration, coordination and communication and the proposed text amendments meet that goal by aligning the City's development code with the State statutes; and

WHEREAS, this revision, which removes discretionary language or provides specific criteria where administrative discretion is applied, aligns with the City Council goals to update the Unified Development Ordinances in order to reflect recommendations in the Comprehensive Plan; and

WHEREAS, this Ordinance is determined to be reasonable, in the public interest, and is consistent with the Comprehensive Plan in that it promotes responsible growth based on holistic decision making and brings City ordinances into compliance with the new North Carolina General Statute regarding land use development regulations, N.C.G.S. 160D;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1: Chapter 7 of the Code of Ordinances of the City of Asheville is hereby amended as follows:

a. **Amend Sec. 7-5-2(i) to read as follows:**
(i) *Permit validity.* Upon the approval of a zoning permit, the applicant shall have one year to obtain the required building permit(s). Failure to commence building permits within this time shall render the zoning permit void. The zoning permit shall remain valid as long as a valid building permit

exists for the project. Any unapproved change in the approved plans shall render the zoning permit invalid.

b. **Amend Sec. 7-5-5(j) to read as follows:**
(j) *Permit validity.* Approvals of a conditional use application and site plan shall be valid for two years from the date of approval by the Asheville City Council. An extension of up to one additional year may be granted by the Asheville City Council upon submittal by the application of sufficient justification for the extension. Appropriate conditions may be added to the initial approval or extension approval to guarantee site maintenance and security. Failure to obtain a zoning permit or otherwise being the permitted use, within this time shall render the conditional use approval void. Nothing herein shall be construed to extend any time limitations prescribed by statute or by other ordinances in this chapter.

c. **Amend Sec. 7-5-7(j) to read as follows:**
(j) *Permit validity.* Approval of the site plan for a manufactured housing community and the MHC zoning designation shall be valid for one year from the date of approval by Asheville City Council. Failure to initiate construction, or otherwise begin the permitted use, within this time shall render the manufactured housing community approval void.

d. **Amend Sec. 7-5-9(c)(9) to read as follows:**
(9) *Permit validity.* Approval of site plans and permits for developments requiring Level I site plan review shall be valid for one year from the date of approval. Failure to obtain a zoning permit or otherwise begin the permitted use within this time shall render the site plan approval void. Nothing herein shall be construed to extend any time limitations prescribed by statute or by other ordinances in this chapter.

e. **Amend Sec. 7-5-9.1(c)(9) to read as follows:**
(9) *Approvals.* Approvals for Level I site plan review in the CBD/DDR shall be valid for one year from the date of approval. Failure to obtain a zoning permit or perform substantial work within this time shall render the site plan approval void. Nothing herein shall be construed to extend any time limitations prescribed by statute or by other ordinances in this chapter.

f. **Amend Sec. 7-5-11(a)(10) to read as follows:**
(10) *Violations.* Violations of the provisions of this section 7-5-11 shall include, but not be limited to, failure to obtain a minor works certificate of appropriateness in accordance with the requirements set forth above and/or failure to comply with the terms of a minor works certificate of appropriateness once it has been issued. Discontinuance of work in accordance with the minor works certificate of appropriateness or lack of progress toward completion of the work for a period of 90 days shall constitute a violation of this section 7-5-11. Violations shall be subject to the enforcement and penalty provisions set forth in article XVIII of this chapter.

g. **Amend Sec. 7-5-11(b)(10) to read as follows:**
(10) *Violations.* Violations of the provisions of this section 7-5-11 shall include, but not be limited to, failure to obtain a major works certificate of appropriateness in accordance with the procedures set forth above and/or failure to comply with the terms of a major works certificate of appropriateness once it has been issued. Discontinuance of work in accordance with the major works certificate of

appropriateness or lack of progress toward completion of the work for a period of 90 days shall constitute a violation of this section 7-5-11. Violations shall be subject to the enforcement and penalty provisions set forth in article XVIII of this chapter.

h. Amend Sec. 7-5-19 by deleting the last paragraph that begins, "If a developer provides . . . "

i. Amend Sec. 7-8-1(d) to read as follows:

(d) *Table of Permitted Uses.* The table is a summary listing of uses that are fully defined in section 7-2-5.

[Keep table]

(1) Any use not listed is not allowed unless the planning and development director determines that the use is similar to a listed use. When determining whether a proposed use is similar to a listed use, the planning and development director will consider the following:
   a. The actual or projected characteristics of the proposed use.
   b. The relative amount of site area or floor area and equipment devoted to the proposed use.
   c. Relative amounts of sales.
   d. The customer type.
   e. The relative number of employees.
   f. Hours of operation.
   g. Building and site arrangement.
   h. Types of vehicles used and their parking requirements.
   i. The number of vehicle trips generated.
   j. How the proposed use is advertised.
   k. The likely impact on surrounding properties.
   l. Whether the activity is likely to be found independent of the other activities on the site.

(2) Where a use is determined not to be similar to any listed use, a text amendment is required prior to establishment of that use.

m. Amend Sections 7-8-2 through 7-8-26 by replacing item "(c)" in each section with:

(c) Reserved.

n. Amend Sec. 7-8-2(f)(5) to read as follows:

(5) *Setback standards.* The following minimum setbacks shall be required for uses in the RS-2 District.

Front: 35 ft. but this may be reduced to 20 ft. in designated steep slope zones per Sec. 7-11-12 of this chapter.

Side: 10 ft.

Rear: 25 ft.

The landscape and buffering standards (section 7-11-3) may require additional setback; if so, the most restrictive requirement shall apply.

The minimum spacing between structures shall, in addition, be as per the Asheville Fire Prevention Code.

o. **Amend Sec. 7-8-3(f)(5) to read as follows:**
(5) *Setback standards.* The following minimum setbacks shall be required for uses in the RS-2 District.

Front: 25 ft. but may be reduced to 15 ft. in designated steep slope zones per Sec. 7-11-12 of this chapter.

Side: 10 ft.

Rear: 25 ft.

The landscape and buffering standards (section 7-11-3) may require additional setback; if so, the most restrictive requirement shall apply.

The minimum spacing between structures shall, in addition, be as per the Asheville Fire Prevention Code.

p. **Amend Sec. 7-8-18(f)(10) & (11) to read as follows:**
(10) *Sidewalk standards.* Sidewalks shall be provided as required by and pursuant to the requirements for sidewalks as set forth in section 7-11-8 of this chapter.

(11) *Access standards.* Vehicular entries shall be a maximum of 24 feet in width. In addition driveway curb cuts are limited to a single standard driveway per 200 feet along a block face per development. Automobile access and services from a rear alley is encouraged.

q. **Amend Sec. 7-8-23(f)(8)(f) to read as follows:**
f.Variations in setback requirements may be granted by the city council to address issues of context, including but not limited to alignment of buildings in the same blockface, street classification on the thoroughfare plan, and proposed or existing public greens, pedestrian zones and courtyards.

r. **Amend Sec. 7-8-24(f)(5) to read as follows:**
(5) *Setback standards*: As noted below, and landscape and buffer standards shall also apply.
Front and street side: Minimum zero feet and maximum of 15 feet from right-of-way line.

Side: None.

Rear: None.

s. **Amend Sec. 7-8-25(f)(4) to read as follows:**
(4) Lot size:

[Keep table as shown]

Front and street side: Minimum zero feet and maximum 15 feet from right-of-way line, except as follows. Front and street sides adjacent to proposed Wilma Dykeman Riverway (currently,

Swannanoa River Road, Thompson Street, Meadow Road, Lyman Street, and Riverside Drive) shall observe a build-to line consistent with the projected road-widening plan and/or limits of floodway designation.

Side: None

Rear: None

t. **Amend Sec. 7-8-25(f)(8) to read as follows:**
(8) Landscaping/buffering standards. Landscaping and/or buffering shall be provided as required by section 7-11-3 of this chapter with the exceptions noted below. In the Urban Place District, street trees may be provided in the front building setback or the street right-of-way (with an approved encroachment agreement) as a part of a streetscape plan that may be proposed or in place for the corridor.

u. **Amend Sec. 7-8-25(f)(9)(c) to read as follows:**
c. Uses in the Urban Place District are permitted up to a 50 percent reduction in the minimum number of parking spaces required by section 7-11-2 of this chapter provided that transit shelters, pedestrian amenities and/or bike racks are provided. Pedestrian amenities may include but are not limited to wide sidewalks, public courtyards, and public park areas.

v. **Amend Sec. 7-8-25(f)(9)(e) to read as follows:**
e. Parking structures may be provided as a secondary use in meeting a project's parking requirements; such structures may contain more than the maximum number of spaces required for the associated use(s) if there are shared parking or commercial parking arrangements.

w. **Amend Sec. 7-8-25(f)(13) to read as follows:**
(13) *Access and connectivity standards.* Sites require a network of internal streets and driveways. Shared access and cross-access with adjoining properties instead of access from the corridor is required where practical to improve and sustain the capacity of the corridor, reduce the number of curb cuts, ensure driver and pedestrian safety, improve the unity of the streetscape, and encourage pedestrian mobility. Stub out connections to neighboring parcels may be constructed if cross access is not available at time of permit approval. Block lengths shall not exceed 600 feet unless precluded by topography or existing block patterns.

x. **Amend Sec. 7-8-28(2.2)(R)(1)(a) to read as follows:**
a. An awning/canopy must be a minimum of nine feet clear height above the sidewalk and must have a minimum depth of three feet.

y. **Amend Sec. 7-9-10(f)(3)(c) to read as follows:**
c. The landscaping for the proposed development exceeds the requirements of subsections 7-11-3(f) and (g) of this Code by at least 50 percent. (Hardscape which incorporates features that are pedestrian oriented may be used in combination with or instead of landscaping along the street frontage of the lot). Examples of these features include benches, outdoor dining, planting boxes, etc. Street trees and hardscape features shall be consistent with any approved streetscape plan for the area: 20 points.

z. Amend Sec. 7-11-2(b)(4) to read as follows:

(4) *Channelized automobile storage.* Channelization designs for parking structures are exempt from these standards. All other parking lot entrances from public rights-of-way shall provide channelized automobile storage space as follows

[Keep table and illustrations]

aa. Amend Sec. 7-11-2(c)(2) to read as follows:

(2) *Parking areas exceeding the maximum number of spaces.* The number of parking spaces for a proposed use may exceed the maximum number of spaces permitted only if an approved pervious paving system is used. Parking areas exceeding the maximum number of spaces shall provide additional landscaping as required by subsection 7-11-3 of this chapter.

bb. Amend Sec. 7-11-2(f)(3) to read as follows:

(3) All counted spaces must comply with the City of Asheville Standard Specifications and Details Manual for on-street parking spaces.

cc. Amend Sec. 7-11-2(f)(6) to read as follows:

(6) Street modifications (including curbs, sidewalks, paving and marking locations) associated with any counted on-street parking shall be reviewed by the city public works and transportation departments for compliance with the City of Asheville Standard Specifications and Details Manual. Parking shall not restrict existing access to abutting parcels.

dd. Amend Sec. 7-11-2(i)(2) to read as follows:

(2) *Standards for access for nonresidential uses.* Nonresidential uses located on corner lots, through lots, or other lots with frontage on more than one street shall have their access from those streets that are non-residentially zoned. Access onto residentially zoned streets or streets dominated by residential uses shall not be allowed.

ee. Amend Sec. 7-11-3(d)(1)(d) to read as follows:

d. *Species composition.* Plantings in buffer areas shall be an appropriate mix of native species or other species suitable to naturalizing in woodland settings. Buffers in the river district shall be composed of species appropriate to a river environment. Consult the City of Asheville Recommended Species List for a list of approved species.

ff. Amend Sec. 7-11-3(f)(1) to read as follows:

(1) *Certificate of compliance.* Landscaping must be installed and inspected by the City of Asheville prior to receiving a certificate of compliance. If the season or weather conditions prohibit planting the materials, the developer may provide a bond, an irrevocable letter of credit, or other financial surety in an amount equal to one and one-half times the estimated cost of installing the required landscaping to guarantee the completion of the required planting. Upon approval of the financial surety, the certificate of compliance shall be issued. The financial surety shall be for a period not to exceed 12 months. The surety shall be canceled and/or returned upon completion of the required landscaping.

gg. Amend Sec. 7-11-3(g) to read as follows:

(g) *Clearing of land time limit.* In districts where speculative grading is prohibited and land is cleared through issuance of a grading permit; the owner shall be required to replant the cleared property to its original state based on tree counts and other information originally submitted to the City of

Asheville if construction does not begin within six months from the date that the grading activity ceases.

hh. Amend Sec. 7-11-4(g) to read as follows:

(g) *Fee-in-lieu.* For open space requirements of 5,000 square feet or less where the property does not contain a designated greenway as shown on the Greenway Master Plan, a property owner may elect to pay a fee-in-lieu of open space instead of providing the open space. This fee shall be calculated by using the pro rata value of the designated open space based on the tax assessed value of the development or subdivision as established by Buncombe County.

ii. Amend Sec. 7-11-7(c) to read as follows:

(c) *Flexible development standards permitted.* The cumulative total of any flexible development standard applied to a property by category or location shall not exceed the maximums set forth in this section. The planning and development director shall maintain appropriate records to insure compliance with this provision.

(1) *Setbacks.* The planning and development director is authorized to approve requests that deviate from required setbacks set forth in article VIII of this chapter as follows:

a. *Building additions - all zoning districts.* Setbacks may be adjusted when flexibility is needed to accommodate a building addition that is less than 50% of the pre-existing gross floor area. In these instances, a deviation of ten percent or 24 inches, whichever is greater, may be granted upon determining that one or more of the following conditions exists:
   i. The lot does not meet the dimensional standards established for the zoning district in which it is located.
   ii. The structure is physically in line with an existing, legally established wall or walls of a principal structure already within the minimum setback area.
   iii. The part of the proposed structure that would encroach into the minimum setback area is less than 50 percent of the width of the affected building façade(s), provided the part of the structure that would encroach into a front setback shall either be open, unheated space (such as a porch or screen room) or not subject to occupancy (such as a chimney).
   iv. The part of the proposed structure that encroaches into the minimum setback area is necessitated by a life-safety code, flood hazard reduction, Americans with Disabilities Act standard, or other public safety code requirements.
b. *Structures located in local historic districts and local historic landmarks.* Setbacks may be adjusted for structures undergoing design review when flexibility is needed in order to comply with design standards. In these instances setbacks may be adjusted as follows:
   i. Primary structures. Setbacks may be adjusted up to ten percent or 24 inches, whichever is greater.
   ii. Accessory structures. Side and rear setbacks may be adjusted up to 36 inches.

(2) *Parking garages and parking lots.* Except for parking required for residential development of less than five units, the planning and development director is authorized to approve parking garages and parking lots in connection with a permitted use that has up to 25 percent less than the required number of spaces set forth in article XI of this chapter upon determining that one or more of the following conditions exists:

a. The applicant is proposing an adaptive reuse that does not expand the pre-existing floor area of an existing structure with a permitted use.
b. The applicant is constructing an addition to an existing structure or site and sufficient new parking will be provided to accommodate the additional square footage without reducing the amount of parking serving the existing structure or site prior to the addition.
c. The proposed parking lot or garage will allow the preservation of an existing aquatic buffer or floodway.

d. The proposed parking lot or garage will accommodate a tree canopy preservation area where the entirety of the requirement is met by preserving existing canopy.

These reductions may not be used in conjunction with reductions offered elsewhere in this chapter.

(3) *Variances.* No variances shall be allowed under article VI of this chapter with regard to deviations from development standards that have been approved pursuant to this section of the city Code nor shall any deviations from these development standards make void or otherwise modify any variance decision by the board of adjustment.

jj. Amend by replacing Sections 7-11-8(e) through (i) with the following:

(e) *Fee in lieu of construction.* Where a new sidewalk is required to be constructed, a fee in lieu of that sidewalk may be paid if one or more of the following conditions apply:

(1) The sidewalk is proposed to be constructed within an existing right-of-way where sufficient right-of-way or easement width does not exist or cannot be dedicated to build the sidewalk without reducing existing transportation facilities such as travel lanes, on-street parking, bike lanes, and the adaptive reuse or preservation of an existing building or structure prevents extending the sidewalk onto private property. In these instances, compliance to the maximum extent practicable is required and a fee is paid for the balance of sidewalk not constructed.

(2) The sidewalk is a part of a publicly funded project that includes sidewalks and construction is scheduled to begin within two years of permitting. In this case, the developer would pay the fee based on the public agency's design.

(3) The total project costs are less than $100,000 and the cost of the construction of the sidewalk would exceed 15 percent of the total cost of the approved project.

(4) The traffic volumes on an existing road, including any added trips expected as a result of the project, do not exceed 500 vehicles per day and the required sidewalk is more than 1320 feet (¼ mile) from an existing sidewalk, measured from the closest points along the road frontage.

(5) When the sidewalk would require the relocation of multiple public utility facilities or structures.

(6) The sidewalk would be located in a floodway and a no rise certification can not be obtained and a CLOMR cannot be approved without the requirement of purchasing additional affected properties.

(7) The sidewalk would require construction and/or grading to occur on adjacent property to connect to future sidewalk and where there is no right-of-way or easement available. In these instances, compliance to the maximum extent practicable is required and a fee is paid for the balance of sidewalk not constructed. Additionally, an easement sufficient to provide future connections shall be provided.

The fee shall be based on the amounts identified in the city's Fees and Charges Manual and may be prorated based on partial compliance. In no case shall the fee in lieu of constructing the sidewalk exceed 15 percent of the total cost of the approved project. The total cost of the project shall include all construction costs associated with the improvement as approved by the city.

In the event that a fee in lieu of constructing a sidewalk is approved, the developer must provide a recorded easement if necessary for the future development of the sidewalk. All fees shall be paid prior to the issuance of the zoning permit and shall not transfer to future projects on the same property.

The developer wherever practical shall grade for the future development of a sidewalk.

(f) *Use of fees.* All fees collected by the city pursuant to these provisions shall be accounted for separately from other monies, shall be expended only for the construction or rehabilitation of sidewalks or other pedestrian improvements in the city.

kk. Amend Sec. 7-11-10(g)(7) to read as follows:

(7) Where land elevations to be lighted are higher or lower than a nearby street, residential dwelling or other type of facility and the lighting installation causes offensive light trespass and/or glare, the city planning director may request one or more of the following:

a. Shields to be installed on the fixtures,
b. Change the aiming of offending fixtures,
c. Change the location and/or mounting height or the offending poles,
d. Change the light distribution pattern of the offending fixtures, or
e. Remove the offending poles and fixtures from the site.

ll. Amend Sec. 7-11-10(i)(4) number "3." under "Notes" to read as follows:

3. The planning director or his/her designee shall be responsible for determining the activity level for a development based on the criteria found in Sec. 7-8-1(d)(1).

mm. Amend Sec. 7-12-4(h) to read as follows:

(h) *Tree and other specified vegetation preservation.* All trees and other specified vegetation shall be preserved in steep slope and ridgetop areas except in areas approved for grading in subsection (f) above or within ten feet of building footprints. Non-native invasive species may be removed. For new development or additions, these preservation areas shall be designated on plans submitted for development approval. For existing development, aerial photographs or other methods of determining the extent of tree cover shall be utilized to enforce this requirement. During construction, these preservation areas shall be clearly designated using tree protection fencing to protect them from disturbance.

Fines for removal of trees and other specified vegetation required to be preserved, unless such trees and vegetation are determined to be dead, dying or represent a threat to property by the city arborist or other person(s) designated to enforce these requirements and said removal is thereby authorized, shall be as established in article XVIII. In the event that a violator chooses to remedy the violation through the planting of replacement trees, such trees shall be selected from the city's list of large maturing trees and shall be of a minimum of two inches diameter at breast height.

Section 2: If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 3: All ordinances or parts of ordinances in conflict are hereby repealed to the extent of such conflict.

Section 4: This ordinance will become effective upon adoption.

Read, approved, and adopted this 23rd day of March, 2021.

Magdalen Bouleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bouleson
City Clerk

262

ORDINANCE NO. 4362 / 4862

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Fiscal Year 2020-21 Budget Ordinance be amended to provide an appropriation of $70,000 to fund a community visioning process for Pack Square Plaza:

GENERAL FUND

Revenues:

Appropriated Fund Balance	$70,000
Total Revenues	$70,000

Appropriations:

Contracted Services	$70,000
Total Appropriations	$70,000

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this the 23rd day of March, 2021.

Magdalen Bouleson
City Clerk

Esther G. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bouleson
City Clerk

ORDINANCE NO. 4363 /4863

ORDINANCE AMENDING CHAPTER 16 ARTICLE II SECTION 16-39 RELATED TO PUBLIC RIGHT OF WAY CUT CLARIFYING THAT CITY CAPITAL PROJECTS ARE EXEMPT FROM THE PERMIT FEE

WHEREAS, the City Council of the City of Asheville has the authority pursuant to Article II of the City Charter, to adopt changes to its General Ordinances; and

WHEREAS, North Carolina General Statute 160A-296(6) authorizes cities to regulate digging in the streets and to impose a fee with respect to activities conducted in its rights-of-ways and North Carolina General Statute 160A-307 authorizes cities to regulate curb cuts; and

WHEREAS, Chapter 16, Article II of the Asheville Municipal Code of Ordinances establishes a process for permitting construction activities that will cause excavation of pavement and/or soil within the municipal right of way; and

WHEREAS, this ordinance requires that all contractors receive a permit and pay a fee for right of way cuts regardless of the entity for which they are contracting; and

WHEREAS, this requirement has been interpreted by some City departments to require that contractors performing work on City capital projects also receive a permit and pay a fee in order to conduct work within the right of way; and

WHEREAS, fees charged to contractors performing work for the City are charged back to the City at an increased fee to ensure that the contractor's cost of administration is covered, thereby unnecessarily increasing the cost of City projects; and

WHEREAS, there is nothing in state statutes that requires a city to pay this type of fee for its own projects; and

WHEREAS, the proposed amendment clarifying that City capital projects are exempt from the fee would reduce the cost of City projects by allowing City Staff to complete permitting on behalf of the City project, instead of the contractor;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1: Chapter 16, Article II of the Asheville Code of Ordinances regarding Public Right-of-Way Cuts is hereby amended as follows:

(a) **Amend Sec. 16-39 by replacing it in its entirety with the following:**

Sec. 16-39. Permit Fee Exemption for City capital projects.

a) When the intent of the project is to maintain or improve Public Works maintained infrastructure, departments are exempted from payment of the applicable permit fees and the penalties associated with the program during the performance of capital projects.

b) Project managers will submit a permit application on behalf of the project. The permits will be issued for record purposes only with no fee charged. Permit closeout will also be the responsibility of the project manager.
c) Pavement, concrete, soil and trench restoration for City projects will follow all applicable City Standards.
d) Departments managing a project will ensure that a warranty of no less than one year is provided by the contractor performing the work.
e) The Department overseeing the project will provide inspection for the work using internal or external resources. Inspection staff must have the appropriate certifications in order to be capable of ensuring that the work is performed to meet all applicable standards and contract requirements. If Department staff cannot meet this requirement and Public Works staff has to inspect, then the fee may be required to be paid.
f) The applicable Public Works staff will be involved, to the extent possible, in the review of plans related to work in the right of way. Public Works will also be involved in the close out of contracts, including final walk throughs.
g) Close out documentation will be provided to Public Works upon completion of the project. Documentation will include, but will not be limited to, as-built drawings (when applicable), warranty information, and operating and maintenance information.
h) This exemption does not in any way exempt City Departments from participating in and paying the fees associated with the Utility Cut Patching Program.

Section 2: If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 3: All ordinances or parts of ordinances in conflict are hereby repealed to the extent of such conflict.

Section 4: This ordinance will become effective upon adoption.

Read, approved, and adopted this 13th day of April, 2021.

Magdalen Bruleson
City Clerk

Esther E. Marks
Mayor

Approved as to form:

City Attorney

Magdalen Bruleson
City Clerk

ORDINANCE NO. 4364 /4864

ORDINANCE AMENDING THE FISCAL YEAR 2020-2021 FEES & CHARGES

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Page 67 of the Fiscal Year 2020-2021 Fees and Charges Manual, Public Works Department Utility Cut Permit and Patching, is hereby amended to add the following:

* City capital projects are exempt from Utility Cut permit fees.

This ordinance shall be in full force and effect upon adoption.

Read, approved and adopted this 13th day of April, 2021.

Magdalen Burleson
City Clerk

Mayor

Approved as to Form:

City Attorney

Magdalen Burleson
City Clerk

266

ORDINANCE NO. 4365/4865

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended to provide from restricted and assigned fund balance the required budget authorization for prior year contracts, purchase orders, and other carry-over appropriations that rolled forward to Fiscal Year (FY) 2020-21, as follows:

ALL OPERATING FUNDS

Revenues:

Appropriated Fund Balance (General Fund)	$ 4,253,561.22
Appropriated Fund Balance (Housing Trust Fund)	$ 3,201,423.00
Appropriated Fund Balance (Sustainability Fund)	$ 1,069,005.36
Appropriated Fund Balance (Water Resources Fund)	$ 1,413,187.75
Appropriated Fund Balance (Parking Services Fund)	$ 512,803.84
Appropriated Fund Balance (Street Cut Utility Fund)	$ 113,895.21
Appropriated Fund Balance (Stormwater Fund)	$ 189,914.68
Appropriated Fund Balance (Harrah's Center Fund)	$ 27,003.41
Appropriated Fund Balance (Transit Fund)	$ 961,462.85
Appropriated Fund Balance (Health Insurance Fund)	$ 156,684.23
Appropriated Fund Balance (Workers' Compensation Fund)	$ 500.00
Appropriated Fund Balance (Property & Liability Fund)	$ 23,632.70

Appropriations:

Various Accounts (General Fund)	$ 4,253,561.22
Various Accounts (Housing Trust Fund)	$ 3,201,423.00
Various Accounts (Sustainability Fund)	$ 1,069,005.36
Various Accounts (Water Resources Fund)	$ 1,413,187.75
Various Accounts (Parking Services Fund)	$ 512,803.84

Various Accounts (Street Cut Utility Fund)	$ 113,895.21
Various Accounts (Stormwater Fund)	$ 189,914.68
Various Accounts (Harrah's Center Fund)	$ 27,003.41
Various Accounts (Transit Fund)	$ 961,462.85
Various Accounts (Health Insurance Fund)	$ 156,684.23
Various Accounts (Workers' Compensation Fund)	$ 500.00
Various Accounts (Property & Liability Fund)	$ 23,632.70

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 13th day of April, 2021.

Magdalen Bouleson
City Clerk

Esther E. Mark
Mayor

Approved as to form:

City Attorney

Magdalen Bouleson
City Clerk

268

ORDINANCE NO. 4366 / 4866

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Fiscal Year 2020-21 Budget Ordinance be amended to include CRRSAA revenue in the Transit Operations and Multi-Year Fund budgets, as follows:

TRANSIT FUND

Revenues:

Restricted Intergovernmental Federal Grants	$6,015
Total Revenues	$6,015

Appropriations:

Personnel Expenses	$6,015
Total Appropriations	$6,015

TRANSIT MULTI-YEAR FUND

Revenues:

Restricted Intergovernmental Federal Grants	$54,138
Total Revenues	$54,138

Appropriations:

Transit Pass Through Grant	$54,138
Total Appropriations	$54,138

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 13th day of April, 2021.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

ORDINANCE NO. 4367 / 4867

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Fiscal Year 2020-21 Budget Ordinance be amended in the CDBG Fund as follows:

CDBG FUND

Revenues:

Sale of Capital Asset - Land	$1,600,000
Total Revenues	$1,600,000

Appropriations:

Land	$1,500,000
Contingencies	$100,000
Total Appropriations	$1,600,000

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this the 13th day of April 2021.

Magdalen Burleson
City Clerk

Esther E Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

2D

ORDINANCE NO. 4368 /4868

ORDINANCE AMENDING CHAPTER 2, ARTICLE III OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE IN ORDER TO ALIGN ROLES AND RESPONSIBILITIES OF THE DOWNTOWN AND ASHEVILLE AREA RIVERFRONT REDEVELOPMENT COMMISSIONS WITH THE UNIFIED DEVELOPMENT ORDINANCE RELATED TO DESIGN REVIEW.

WHEREAS, the City of Asheville has the authority pursuant to Article III of Chapter 160D of the North Carolina General Statutes to establish boards to perform various functions related to municipal governance; and

WHEREAS, the City of Asheville has established the need for a design review committee to provide design related feedback on development projects located within design review areas; and

WHEREAS, the Unified Development Ordinance (Chapter 7 of the City Code of Ordinances) (herein "UDO") was amended via Ordinance No. 4588 adopted on February 27, 2021, to establish the design review committee and to specify standards and processes for design review; and

WHEREAS, the aforementioned ordinance necessitates and amendment to Chapter 2, Article III of the City Code related to the duties of the Asheville Downtown Commission and the Asheville Area Redevelopment Commission to make the this section of the Code consistent with the newly revised UDO; and

WHEREAS, this revision aligns with the City Council goals to update the Unified Development Ordinances and other Chapters in order to reflect recommendations in the Living Asheville Comprehensive Plan;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1: Chapter 2, Article III of the Code of Ordinances of the City of Asheville is hereby amended as follows:

a. Amend Division 3, Asheville Downtown Commission, Sec. 2-77, Purposes and Powers, item(a)(3) to read as follows:
   (3) Carry out the powers and duties assigned to the commission as described in section 7-3-8 of this Code.

b. Amend Division 13, Asheville Area Riverfront Redevelopment Commission, Sec. 2-185.21, Purposes and Powers, item (a)(2) to read as follows:
   (2) Carry out the powers and duties assigned to the commission under section 7-3-10 of this Code.

Section 2: If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 3: All ordinances or parts of ordinances in conflict are hereby repealed to the extent of such

conflict.

Section 4: This ordinance will become effective upon adoption.

Read, approved, and adopted this 27th day of April, 2021.

Magdalen Bouleson
City Clerk

Esther G. Martinez
Mayor

Approved as to form:

City Attorney

Magdalen Bouleson
City Clerk

272

ORDINANCE NO. 4369 / 4869

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Fiscal Year 2020-21 Budget Ordinance be amended in the Special Revenue Fund to fund the contract with the Ramada Inn and the contract with Sunrise Community for Recovery & Wellness as follows:

SPECIAL REVENUE FUND

Revenues:

Federal Revenue Distribution - ARPA	$468,407
Total Revenues	$468,407

Appropriations:

Contracted Services	$468,407
Total Appropriations	$468,407

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this the 27th day of April 2021.

Magdalen Bouleson
City Clerk

Esther G Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bouleson
City Clerk

ORDINANCE NO. 4370 /4870

ORDINANCE ADOPTING SECTION 10-2 OF THE CITY CODE, PROHIBITING DISCRIMINATORY PRACTICES IN PRIVATE EMPLOYMENT AND PUBLIC ACCOMMODATIONS.

WHEREAS, the City has the authority, pursuant to Section 160A-174 of the North Carolina General Statutes to define, prohibit, regulate, or abate acts, omissions, or conditions, detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the city, and may define and abate nuisances; and

WHEREAS, the City finds that the use of discriminatory practices in private employment and public accommodations constitutes a nuisance that is detrimental to the health, safety, and welfare of its citizens; and

WHEREAS, the City finds that it is necessary and proper to prohibit the use of discriminatory practices in private employment and public accommodations within the City;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. Section 10-2 of the City Code is repealed in its entirety, and replaced with the following:

Section 10-2 Non-Discrimination Ordinance

(a) Definitions- As used within this Section, the following terms shall be defined as follows:

(i) *Discrimination* means any difference in treatment based on race, natural hair or hairstyles, ethnicity, creed, color, sex, sexual orientation, gender identity or expression, national origin or ancestry, marital or familial status, pregnancy, veteran status, religious belief or non-belief, age, or disability.

(ii) *Employer* means any person employing one or more persons within the City and any person acting in the interest of an employer, directly or indirectly, including an employment agency. "Employer" shall include the City and any City Contractor.

(iii) *Gender identity or expression* means having or being perceived as having gender-related identity, expression, appearance, or behavior, whether or not that identity, expression, appearance, or behavior is different from that traditionally associated with the sex assigned to that individual at birth.

(iv) *Person* includes one or more individuals, partnerships, associations, organizations, corporations, legal representatives, unincorporated organizations, fiduciaries, and other organized groups of persons.

(v) *Public accommodation (or place of public accommodation)* means any place, facility, store, or other establishment which supplies accommodations, goods, or services to the public or which solicits or accepts the patronage or trade of the public.

(vi) *Reasonable cause* means circumstances in which a preponderance of the available evidence, when taken as a whole, shows the violation is more likely than not.

(b) Discrimination in employment prohibited- It shall be unlawful for any employer, because of the race, natural hair or hairstyles, ethnicity, creed, color, sex, sexual orientation, gender identity or expression, national origin or ancestry, marital or familial status, pregnancy, veteran status, religious belief or non-belief, age, or disability of any person to refuse to hire or otherwise discriminate against that person with respect to hire, tenure, conditions, or privileges of employment, or any matter directly or indirectly related to employment.

(c) Exceptions- Notwithstanding the prohibition on discrimination set forth in subsection (b), it is not unlawful for:

(i) An employer to employ, admit, classify, or refer any individual on the basis of religion, sex, national origin, age, familial status, or veteran status, in those certain instances where religion, sex, national origin, age, familial status, or veteran status is a bona fide

occupational qualification reasonably necessary to the normal operation of that particular business or enterprise.

(ii) An employer to print or publish, or caused to be printed or published, any notice or advertisement indicating any preference, limitation, specification, or discrimination, based on religion, sex, national origin, age, familial status, or veteran status, in such instances when religion, sex, national origin, age, disability, familial status, or veteran status is a bona fide occupational qualification for employment.

(iii) A school, college, university, or other educational institution, or institution of learning to hire and employ employees of a particular religion if such school, college, university, or other educational institution or institution of learning is, in whole or in substantial part, owned, supported, controlled, or managed by a particular religion or by a particular religious corporation, association, or society, or if the curriculum of such school, college, university, or other educational institution or institution of learning is directed toward the propagation of a particular religion.

(iv) An employer to apply different standards of compensation, or different terms, conditions, or privileges of employment pursuant to a bona fide seniority or merit system, or a system which measures earnings by quantity or quality of production or to employees who work in different locations, so long as the differences are not the result of an intention to discriminate because of race, natural hair or hairstyles, ethnicity, creed, color, sex, sexual orientation, gender identity or expression, national origin or ancestry, marital or familial status, pregnancy, veteran status, religious belief or non-belief, age, or disability.

(v) An employer to give and to act upon the results of any professionally developed ability test provided that the test, its administration, or action upon the results is not designed, intended, or used to discriminate because of race, natural hair or hairstyles, ethnicity, creed, color, sex, sexual orientation, gender identity or expression, national origin or ancestry, marital or familial status, pregnancy, veteran status, religious belief or non-belief, age, or disability.

(vi) An employer to differentiate upon the basis of sex in determining the amount of the wages or compensation paid or to be paid to employees of the employer if the differentiation is authorized by the provisions of section 6(d) of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. § 206(d)).

(vii) An employer to refuse to assign or continue to assign an individual to a job involving food handling in any case in which such individual has an infectious or communicable disease that is:

(1) Transmitted to others through the handling of food;

(2) Is included on the list developed by the Secretary of the United States Department of Health and Human Services pursuant to section 103(d) of the Americans with Disabilities Act of 1990, (42 U.S.C. §§ 12101, et seq.); and

(3) Cannot be eliminated by reasonable accommodation. Nothing in this subsection shall be construed to preempt, modify, or amend any state, county, or local law, ordinance, or regulation applicable to food handling.

(d) Exceptions regarding drug and alcohol use- Notwithstanding the prohibition on discrimination set forth in the subsection (b), it shall not be a violation of this ordinance for an employer to:

(i) Adopt or administer reasonable policies or procedures, including but not limited to drug testing.

(ii) Prohibit the illegal use of drugs and the use of alcohol at the workplace by employees.

(iii) Require that employees shall not be under the influence of alcohol or be engaging in the illegal use of drugs at the workplace.

(iv) Require that employees behave in conformance with the requirements established under the Drug-Free Workplace Act of 1988 (41 U.S.C. §§ 701 et. seq.).

(v) Hold an employee who engages in the illegal use of drugs or who is an alcoholic to the same qualification standards for employment or job performance and behavior that the entity holds other employees, even if any unsatisfactory performance or behavior is related to the drug use or alcoholism of the employee.

(vi) With respect to federal regulations regarding alcohol and the illegal use of drugs, require that employees comply with the standards established in federal regulations of the

Department of Defense, the Nuclear Regulatory Commission, and/or the Department of Transportation, if the employees of the covered entity are employed in an industry subject to the regulations of any such federal agency

(e) Miscellaneous provisions

(i) The prohibitions in this Ordinance against discrimination in employment based upon disability shall not be construed to prohibit or restrict:

(1) An insurer, hospital, medical service company, health maintenance organization, or any agent, or entity that administers benefit plans, or similar organizations from underwriting risks, classifying risks, or administering such risks that are based on or not inconsistent with State law; or

(2) A person or organization covered by this Ordinance from establishing, sponsoring, observing, or administering the terms of a bona fide benefit plan that are based on underwriting risks, classifying risks, or administering those risks that are based on or not inconsistent with State law; or

(3) A person or organization covered by this Ordinance from establishing, sponsoring, observing, or administering the terms of a bona fide benefit plan that is not subject to State laws that regulate insurance.

(ii) Nothing in this Ordinance shall be construed to require an individual with a disability to accept an accommodation, aid, service, opportunity, or benefit which such individual chooses not to accept.

(iii) Nothing contained in this Ordinance shall apply to a religious corporation, association, educational institution, or society with respect to the employment of individuals of a particular religion to perform work connected with the carrying on by such corporation, association, educational institution, or society of its activities.

(iv) With respect to discrimination based on age, it is not unlawful for a covered entity to take any action otherwise prohibited under this Ordinance:

(1) Where the differentiation is based on reasonable factors other than age;

(2) Where such practices involve an employee in a workplace in a foreign country, and compliance with those subsections would cause such employer, or a corporation controlled by such employer, to violate the laws of the country in which such workplace is located; or

(3) To observe the terms of a bona fide seniority system; or

(4) To observe the terms of a bona fide employee benefit plan; or

(5) To discharge or otherwise discipline an individual for good cause.

(v) Nothing in this Ordinance shall be construed to prohibit compulsory retirement of any employee who has attained 65 years of age provided such retirement is part of a practice consistent with a bona fide employee retirement plan

(f) Discrimination in public accommodations prohibited- It shall be unlawful for any proprietor or their employer, keeper, or manager in a place of public accommodation to deny any person, except for reasons applicable alike to all persons, regardless of race, natural hair or hairstyles, ethnicity, creed, color, sex, sexual orientation, gender identity or expression, national origin or ancestry, marital or familial status, pregnancy, veteran status, religious belief or non-belief, age, or disability the full enjoyment of the accommodations, advantages, facilities or privileges thereof. The provisions of this subsection shall not apply to a private club or other establishments not in fact open to the public.

(g) Housing

(i) The City of Asheville will assist its residents in filing housing discrimination claims with the North Carolina Human Relations Commission.

(ii) In offering this assistance, and consistent with the recent Supreme Court of the United States decision in Bostock v. Clayton County, the City of Asheville interprets the prohibition on sex discrimination in housing to include discrimination on the basis of sexual orientation and gender identity.

(iii) In offering this assistance, the City of Asheville interprets the prohibition on race discrimination in housing to include discrimination on the basis of natural hair or hairstyles.

(h) Enforcement- Complaints alleging violations of this section shall be filed and investigated as

follows:

(i) Any person who claims to have been injured, or claims they are currently being injured, or who reasonably believes that they will be injured, by any practice made unlawful under this Ordinance may file a Complaint with the City of Asheville's Office of Equity and Inclusion (OEI).

(ii) Complaints shall be in writing, signed and verified by the Complainant. Complaints shall state the facts upon which the allegation of an unlawful discriminatory practice is based and shall contain such other information and be in such form as the OEI requires.

(iii) A Complaint that alleges an unlawful employment practice under this Ordinance must be filed with the OEI no later than 180 days after the occurrence, or cessation of the alleged unlawful employment practice.

(iv) A Complaint that alleges any practice made unlawful under this Ordinance, other than an unlawful employment practice, must be filed with the OEI no later than one year from the date of the occurrence, or cessation of the alleged unlawful practice.

(v) OEI staff shall serve upon the Respondent and Complainant a copy of the Complaint and a notice advising the Respondent and Complainant of their procedural rights and obligations under this Ordinance within ten days after the Complaint is filed.

(vi) (A Respondent may file an answer to the Complaint within ten days after receiving a copy of the Complaint. Answers shall be signed and verified by the Respondent and shall be filed with the OEI.

(vii) With leave of the OEI staff, which leave shall be granted whenever it would be reasonable and fair to do so, Complaints and Answers may be amended at any time. Amendments shall be reduced to writing, signed, verified, and filed with the OEI. Amendments shall relate back to the date the original Complaint or Answer was filed.

(viii) OEI staff shall, within 30 days after the filing of a Complaint, commence an investigation into the allegations contained in the Complaint.

(ix) In conducting an investigation, OEI staff shall have access at all reasonable times to premises, records, documents, individuals, and other evidence or possible sources of evidence to ascertain the factual basis of the allegations contained in the Complaint.

(x) Further, OEI staff may examine, record, and copy such materials and take and record the testimony or statements of such persons as reasonably necessary for the furtherance of the investigation.

(xi) In conducting an investigation, Equity Office staff may:

(1) request production of documents, materials, or other evidence;

(2) request witnesses, including any party, to appear and give testimony before Equity Office staff;

(3) Issue interrogatories to a Respondent.

(xii) Upon written application to OEI staff, a Respondent shall be entitled to the issuance of interrogatories directed to the Complainant and to request production of documents, materials, or other evidence.

(xiii) Complaints may be resolved at any time by informal conference, conciliation, or persuasion. Nothing said or done in the course of such informal procedure may be made public without the written consent of the person concerned. However, all resolutions of complaints shall be reduced to writing, shall be signed by the Complainant, the Respondent, and OEI staff and shall be enforceable as a binding contract.

(xiv) All complaints alleging an unlawful discriminatory housing practice shall be handled in the manner described in subsection (g) above.

(i) Reasonable cause and conciliation efforts.

(i) If the Complaint is not sooner resolved, the OEI staff shall, upon completion of the investigation, determine whether or not there is reasonable cause to believe that an unlawful discriminatory practice has occurred, is occurring, or is going to occur.

(ii) OEI staff shall make their determination on reasonable cause as promptly as possible and, so far as practicable, no later than 100 days after the Complaint was filed. If OEI is unable to complete the investigation within 100 days after the filing of the complaint, OEI staff shall notify the complainant and respondent in writing of the reasons for not doing so.

(iii) At the end of each investigation, a final investigative report will be prepared and, notwithstanding the prohibitions and requirements with respect to disclosure of information, the report will be made available to the parties upon request.

(iv) If OEI staff determines that there is not reasonable cause to believe that an unlawful discriminatory practice has occurred, is occurring, or is going to occur, it shall dismiss the Complaint and notify the Complainant and the Respondent of its decision.

(v) In the event that OEI staff determines that reasonable cause does not exist, the Complainant may make a written request to the OEI that such decision be reconsidered. Such request shall be filed with OEI staff within 30 days of the date the staff issued its finding of no reasonable cause. The request for reconsideration shall be heard by the OEI director.

(vi) If OEI staff, or the OEI director following request by the Complainant for reconsideration of the Equity Office staff finding of no reasonable cause, determines that reasonable cause exists, OEI shall notify the Complainant and the Respondent and shall attempt to resolve the Complaint by conference, conciliation, and/or persuasion.

(vii) All conciliation agreements shall be signed by the Complainant and the Respondent and shall be recognized as a legally enforceable contract.

(viii) If the OEI, after a finding of reasonable cause, is unable to resolve the Complaint by conference, conciliation, or persuasion, it shall issue a written declaration that conciliation efforts have failed.

(ix) If the OEI issues a written declaration that conciliation efforts have failed, then the OEI may issue penalties as authorized herein.

(j) Legal - All investigative efforts conducted by the OEI shall be done only upon consultation with and approval by the City Attorney.

(k) Appeals- A determination by either the OEI staff or director that there is reasonable cause to believe a violation of this ordinance has occurred may be appealed to a review panel consisting of the City Manager, City Attorney, and the Director of the City's Human Resources Department.

(l) Penalties- Pursuant to G.S. § 160A-175, the city manager, in consultation with the city attorney, may choose from the remedies set forth below to enforce the requirements of this chapter when there is a failure to comply with the requirements of this chapter or the franchise. Those remedies are as follows:

(i) In addition to or in lieu of the other remedies set forth in this chapter the City Manager, or their designee, may issue a citation setting forth a civil penalty of $100.00. In the case of a continuing violation, each 24-hour period in which the violation continues to exist shall constitute a separate violation. The citation shall be served upon the person violating any of the requirements of this Section by hand delivery or certified mail or by any other means made in accordance with the North Carolina Rules of Civil Procedure. In the event the violator does not pay the penalty within 30 days of service of the citation, the civil penalty shall be collected by the city in a civil action in the nature of debt, which shall not subject the offender to the penalty provisions of G.S. § 14-4.

(ii) In addition to or in lieu of other remedies set forth in this chapter or the franchise, the city attorney may seek injunctive relief in the appropriate court.

2. Nothing in this Ordinance shall be interpreted or applied so as to create any requirement, power, or duty in conflict with any existing federal or state law.

3. Should any provision of this Ordinance be found to be unconstitutional by a court of law, such provision shall be severed from the remainder of the Ordinance, and such action shall not affect the enforceability of the remaining provisions of the Ordinance.

4. The provisions of this Ordinance shall go into effect on July 1, 2021.

Read, approved, and adopted this 27th day of April, 2021.

Magdalen Bourleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bourleson
City Clerk

ORDINANCE NO. 4371 / 4871

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Fiscal Year 2020-21 Budget Ordinance be amended to add an appropriation of $6,000 and amend the Special Revenue Fund as follows:

SPECIAL REVENUE FUND

Revenues:

Private Donations	$4,000
Operating Transfers from General Fund	$2,000
Total Revenues	$6,000

Appropriations:

Contracted Services	$6,000
Total Appropriations	$6,000

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this the 11th day of May 2021.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

280

ORDINANCE NO. 4372 / 4872

ORDINANCE ADOPTING THE FISCAL YEAR 2021-22 FEES & CHARGES

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The attached Fiscal Year 2021-22 fees and charges, attached hereto and made a part hereof, be adopted.

That this ordinance shall be in full force and effective upon July 1, 2021, except for changes to the parking garage charges which will be effective June 1, 2021.

Read, approved and adopted this 11th day of May, 2021.

Magdalen Burleson
City Clerk

Eston G Martin
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

Attachment A - Fee Requests and Recommendations

Stormwater Utility Fee (Stormwater Fund)

Description: Public Works Department fees charged to residents and businesses to fund the City's federally mandated stormwater management program.

Type of Change: Increase

Background:

- To limit the impact on residents during the coronavirus pandemic, fees were not increased for FY21.
- Identified maintenance and capital needs for the stormwater system far exceed the currently available financial capacity of the Stormwater Fund to address.
- Fee increases would follow a multi-year plan to increase Stormwater fees 5% annually. Proposed changes for FY22 are outlined below:

Property Size (Single Family) or Type	Current (per month)	Proposed (per month)	Change
225 - 2,000 Square Feet	$3.20	$3.36	$0.16
2,001 - 4,000 Square Feet	$5.10	$5.36	$0.26
> 4,001 Square Feet	$7.03	$7.38	$0.35
Non-Single Family Properties per ERU (Equivalent Residential Units)	$5.10	$5.36	$0.26

Customer: Although these fees are charged only to property owners, the entire community benefits from flood mitigation, water quality improvements, and other services provided by the stormwater system and staff that manage it.

Service Impact: Additional revenue would primarily support adding staff resources to ensure compliance with federal and state mandates.

Revenue Impact: These fee changes would increase Stormwater Fund revenues by approximately $290,000 annually.

Staff Recommendation:
Not recommended for adoption July 1, but consider for mid-year service review and potential adjustment to fees during FY22.

Solid Waste Fee (General Fund)

Description: Public Works Department fee assessed for solid waste, recycling, and brush collection services.

Type of Change: Increase

Background:

- The City's solid waste fee is among the lowest charged by municipalities across North Carolina and does not include surcharges for services that other jurisdictions charge more for, such as brush and bulky item collection.
- Due to global trends in the recycling industry, staff anticipate a significant increase in the cost of recycling services beginning in FY22. The contract to collect and dispose of recycling was last negotiated in 2011.
- The proposed increase of the Solid Waste fees would increase the fee by $2 from $14 per month to $16 per month.

Customer: The fee is charged to all residents within the Asheville City limits. Residents in single-family homes must pay the sanitation fee for service and cannot opt-out. Multi-family units and businesses can opt-out of City sanitation service and engage a private collection service.

Service Impact: This increase would support the completion of a long-range plan to guide future service needs and changes. Additional service would also include enhanced staffing for recycling education and outreach, as well as the implementation of automatic vehicle location technology to increase efficiency and reliability of solid waste pick up from each location.

Revenue Impact: This fee change would increase revenue by approximately $744,000 annually.

Staff Recommendation:
Not recommended for adoption July 1, but consider for mid-year service review and potential adjustment to fees during FY22.

Transit Advertising Fee (Transit Services Fund)

Description: Transportation Department fees charged for the placement of advertising inside buses in the Asheville Redefines Transit system fleet.

Type of Change: Increase

Background:

- Advertising rates have remained at $20 per bus per month since 2008.
- Based on research, advertising fees are between 30% and 500% higher in other similarly-sized transit systems.
- A 10% discount is offered for non-partisan, non-profit groups as well as city-sponsored events and other city departments.
- The proposed fee change is an increase of 33% to the monthly rate for the shortest amount of time advertising. Fees vary based on the number of buses and the length of time an ad is placed.
- The proposed increases for advertising fees are as follows:

Interior Signs

Units	Current (1 month)	Proposed (1 month)	Change
1	$ 20	$ 27	$ 7
10	$ 200	$ 266	$ 66
20	$ 400	$ 532	$ 132

Interior Ceiling Signs

Units	Current (1 month)	Proposed (1 month)	Change
1	$ 100	$ 133	$ 33
10	$ 1,000	$ 1,330	$ 330
20	$ 2,000	$ 2,660	$ 660

Customer: This fee is paid by businesses or individuals who advertise their goods or services on transit buses.

Service Impact: The advertising revenue, though modest, offsets the operational costs of the transit system, which serves the whole community.

Revenue Impact: These changes will not significantly impact Transit Fund revenues. Recently, total advertising revenues in the Fund ranges from $2,000 to $5,000 annually.

Staff Recommendation:
Approve fee changes effective July 1, 2021.

Subdivision Review in Historic District Fee (General Fund)

Description: Planning and Urban Design Department fees assessed for subdivision review in local historic districts.

Type of Change: New Fee

Background:

- The UDO was recently updated to require that proposed subdivisions in local historic districts go before the Historic Resources Commission (HRC) for review.
- The current fee for this type of project would not cover the additional staff time required to complete this additional review step.
- These fees are similar to the Subdivision Review Fees that were analyzed in the Development Fee Study. The study recommended these fees be set at 55-60% cost recovery.
- The proposed new fee is a $260 fee for subdivision review in local historic districts and for local historic landmarks.

Customer:
The owner or applicant for the development is responsible for these fees.

Service Impact:
The proposed fee for the subdivision review in historic districts will recover a portion of the additional staff cost required to add HRC to the review process.

Revenue Impact:
Staff estimate of 5 or more reviews to be processed annually, generating approximately $1,300 in revenue.

Staff Recommendation:
Approve fee changes effective July 1, 2021.

Major and Minor Works in Design Review Area Fees (General Fund)

Description: Planning and Urban Design Department fees assessed for design review for projects located within design review areas (Downtown, River, and Hotel)

Type of Change: New Fee

Background:

- Currently, there is a $1,500 fee for Major Works reviews in the Downtown and River Design Review Areas.
- No review fee exists for the newly created Hotel Design Review Area.
- A $50 fee is currently charged for Minor Works reviews in historic districts.
- No fee has been established for minor reviews in Downtown, River, and Hotel Design Review Areas.
- The proposed new fees are as follows:
    - A $1,500 fee for Major Works review in the Hotel District Design Review Area to align with the fee for Downtown and River Review Areas.
    - A $50 fee for Minor Works review in the Hotel Design Review Area, the Downtown Design Review Area, and the River Design Review Area.

Customer:
The owner or applicant for the development is responsible for these fees.

Service Impact:
The proposed fees would create consistency with how fees are applied in all design review areas.

Revenue Impact:
Based on prior year activity, staff estimate that these changes will generate approximately $8,000 in additional revenue.

Staff Recommendation:

Approve fee changes effective July 1, 2021.

Sidewalk Fee-In-Lieu (General Fund)

Description: Planning and Urban Design Department sidewalk fee-in-lieu

Type of Change: New Fee

Background:

- The authority to collect a fee-in-lieu of infrastructure, such as sidewalks, was previously unclear in the North Carolina General Statutes (NCGS); the recently adopted NCGS Chapter 160D clarifies a municipality's authority to charge fees-in-lieu.
- City Council has passed a zoning text amendment that aligns the City's Unified Development Ordinance (UDO) with NCGS 160D, including the establishment of sidewalk fee-in-lieu under certain conditions, and when specific criteria are satisfied.
- Property owners and developers can opt to pay the fee-in-lieu rather than constructing the sidewalk if it proves impractical or unfeasible or submitting formal variance requests.
- Fees would be collected and held in a dedicated account to be used for higher priority sidewalk connections elsewhere in the city.
- The proposed new fees for the Sidewalk Fee-in-lieu are as follows:

Sidewalk Infrastructure Element	Cost
5-foot-wide sidewalk (4" thick concrete)	$50 per square foot
5-foot-wide sidewalk (brick)	$75 per square foot
Retaining wall	$75 per square foot
Railing	$30 per linear foot
Curb & gutter	$50 per linear foot
ADA curb ramp without detectable warning plates	$3,000 each
ADA curb ramp with detectable warning plates	$3,500 each

Customer:
The property owner or developer is responsible for the fee.

Service Impact:
This option offers flexibility for property owners and developers while ensuring that investments in pedestrian infrastructure required by the UDO are still funded.

Revenue Impact:
The proposed changes are expected to minimally increase revenue. Formal variance requests have not been common in the past and eligibility requirements have been narrowed, so few projects are expected to qualify for this option.

Staff Recommendation:

Approve fee changes effective July 1, 2021.

Periodic Fire Safety Inspection Fees (General Fund)

Description: Fire Department fees assessed for inspections of all structures except single-family houses to ensure compliance with fire and life safety requirements.

Type of Change: Restructuring

Background:

- These fees are charged for inspections to ensure compliance with the NC State Fire Prevention Code and are mandated to be performed regularly by state law.
- The current fee structure, last updated in 2011, is based primarily on occupancy type, and does not adequately reflect new development and the cost to perform inspections.
- Fees for assembly, institutional and educational occupancies that are currently based primarily on occupancy capacity are proposed to be based on building size (square footage).
- Residential and hotel/motel fees are currently assessed based on grouping by number of units and other factors and are proposed to be assessed on a per-unit basis.
- The proposed new fee structure for the Periodic Fire Safety Inspection Fees is presented in Attachment B.

Customer:
Owners or occupants of all institutional, educational, assembly, or multi-family residential occupancies pay this fee. While the restructuring does increase the minimum fee from $25 to $50, inspections for most small businesses are only required every three years.

Service Impact:
The proposed fee changes will better align fees with the time required to complete the inspection and simplify the fee structure for greater clarity. This new, streamlined fee structure will also support the use of a third-party billing system, which will provide customers with the ability to pay online, increase collections, reduce inconsistent billing, and substantially reduce workload for Finance Department staff currently responsible for billing.

Revenue Impact:
The proposed changes are expected to increase General Fund revenues by $30,000 annually.

Staff Recommendation:
Approve fee changes effective July 1, 2021.

288

WNC Nature Center Admission Fee (General Fund)

Description: Parks and Recreation fees for admission to the WNC Nature Center.

Type of Change: Increase

Background:

- Based on a 2015 fee study conducted by the City of Asheville's Finance Department, current admission fees for the WNC Nature Center are substantially lower than the national average for similar venues. The proposed changes would generate additional revenue, but still fall below the national average.
- The City's agreement with the Friends of the Nature Center, a local nonprofit that supports the Nature Center, to contribute $150,000 to offset operational costs has expired. The group is not expected to continue providing this financial support. Increasing admission fees will supplant this revenue loss and minimize additional support needed from General Fund revenues.
- The proposed increases to the WNC Nature Center Admission fees are as follows:

Admission Fee	Current	Proposed	Change
City Resident - Adult (Ages 13 - 64)	$ 7.95	$ 9.95	$ 2.00
City Resident - Senior (age 65+)	$ 6.95	$ 8.95	$ 2.00
City Resident - Child (age 3 - 12)	$ 5.95	$ 7.95	$ 2.00
Non-City Resident - Adult (Ages 13 - 64)	$ 10.95	$ 13.95	$ 3.00
Non-City Resident - Senior (age 65+)	$ 9.95	$ 12.95	$ 3.00
Non-City Resident - Child (age 3 - 12)	$ 6.95	$ 9.95	$ 3.00

Customer:
All visitors to the Nature Center pay these fees.

Service Impact:
This fee change will allow the Nature Center to continue service at the current level without additional support from General Fund revenues.

Revenue Impact:
The proposed changes are expected to increase the Nature Center's revenue by approximately $154,000.

Staff Recommendation:
Approve fee changes effective July 1, 2021.

Parking Garage, Lot, and Meter Fees (Parking Fund)

Description: Transportation Department, Parking fees for parking provided in the City-owned parking garages, in off-street lots, and at on-street metered spaces.

Type of Change: Increase, New Fees

Background:

- Historically, the City has maintained a lower rate for off-street parking to encourage use of garages and maximize availability of on-street, metered spaces in downtown. The hourly rate for garages is currently $1.25 per hour. To support short-term customer needs, parking for less than one hour is provided free of charge. Metered on-street spaces are $1.50 per hour with a maximum time limit of two hours for all spaces.
- Gating equipment in the garages is well beyond its expected useful life, resulting in lost revenues during frequent equipment down time. Immediate replacement for this equipment is planned. Due to changes in the market for this technology, the new equipment will not accept change.
- Proposed changes are detailed in Attachment C and summarized as follows:
    - Increase hourly garage parking rate to $2.00 for each hour, with a daily maximum of $20.00.
    - At the recommendation of City Council Finance and Human Resources Committee, a proposed $1.00 charge for the first hour of garage parking has been withdrawn. The proposed fee changes now include no charge for the first hour of garage parking for all hourly customers.
    - Provide additional monthly garage parking options for 12 hour daytime access ($80.00 to $100 per month) and an overnight/weekend "sunset" rate ($65.00 to $90.00 per month).
    - Review existing discounted monthly garage parking rates for Vanderbilt and Battery Park residents at the Harrah's Center garage and monthly lots.
    - Lower monthly parking rates and remove existing special event rates in surface parking lots in order to increase the affordability and availability of monthly parking downtown.
    - Adjust rates for on-street monthly parking and add additional street segments to that program.
- In conjunction with these changes and to improve availability on on-street parking spaces, staff will undertake more active enforcement of on-street parking time limits.

Customer:
All users of City-owned parking facilities pay these fees. The proposed changes will impact residents, visitors, business owners, employees, and patrons in and around downtown.

Service Impact:
Overall, these changes are intended to encourage shorter-term parkers to use on-street spaces and longer-term parkers to use garages, with a goal of minimizing parking as a barrier to people working, operating a business, and taking advantage of services downtown.

- The proposed garage hourly rate changes will result in minor increases in the total cost for one and three hour parking, as well as a small decrease for two hour parking. Most

hourly garage parkers stay less than 3 hours. Eliminating coins from garage transactions will also minimize lines at exit lanes, especially during heavy traffic periods.

- Enforcing on-street time limits should improve parking availability by increasing turnover of on-street spots and eliminate the need to increase on-street hourly rates and maintain the differential with garage rates.
- Adding new, lower cost options for renting monthly garage spaces should provide more affordable parking options for downtown workers. Lower surface lot monthly parking rates would also provide more affordable options.
- Additional revenue generated by these changes will be utilized to address deferred maintenance needs that exist in parking decks and fund future expansions of on-street parking facilities.

Revenue Impact:

The proposed changes are expected to increase the Parking Services Fund revenues by $430,000 annually.

Staff Recommendation:

Approve parking garage fee changes effective June 1, 2021 to coincide with replacement of parking garage gating equipment. Approve lot and on-street rate changes effective July 1, 2021.

Attachment B - Periodic Fire Safety Inspection Fees (General Fund)

Proposed Fee Changes

Inspection Fees* see footnotes 1-8
A. Assembly, Business, Factory Industrial, High Hazard, Institutional, Mercantile, Storage, and Utility.

Current Square Footage	Current Fee	Proposed Square Footage	Proposed Fee
Less than 501	$ 25	1 - 999	$ 50
501 to 2,500	$ 75	1,000 - 2,999	$ 100
2,501 to 10,000	$ 125	3,000 - 6,999	$ 150
10,001 to 20,000	$ 175	7,000 - 11,999	$ 200
20,001 to 40,000	$ 225	12,000 - 19,999	$ 250
40,001 to 80,000	$ 275	20,000 - 29,999	$ 300
80,001 to 120,000	$ 325	30,000 - 99,999	$ 400
120,001 to 150,000	$ 375	100,000 +	$ 500
150,001 to 200,000.	$ 425		
200,001 +	$ 500		

B. Educational

Current Square Footage	Current Fee	Proposed Square Footage	Proposed Fee
Less than 501	$ 25	1 - 999	$ 50
501 to 2,500	$ 75	1,000 - 2,999	$ 100
2,501 to 10,000	$ 125	3,000 - 6,999	$ 150
10,001 to 20,000	$ 175	7,000 - 11,999	$ 200
20,001 to 40,000	$ 225	12,000 +	$ 250
40,001 to 80,000	$ 275		
80,001 to 120,000	$ 325		
120,001 to 150,000	$ 375		
150,001 to 200,000.	$ 425		
200,001 +	$ 500		

C. Residential (R1, R2, R3, & R4) - Not in a Complex

R-1 Where occupants are transient in nature.
Such as hotels and motels.

R-2 Where occupants are primarily permanent in nature.
Such as apartments.

R-3 Where occupants are primarily permanent but not R-1, R-2, R-4 or I.
Such as Lodging houses, Bed & Breakfast, licensed residential care facilities.

292

R-4 House more than 5 and fewer than 16 with custodial care.

Residential Rates

Per residential unit	$ 3
Minimum	$ 50
Maximum	$ 500

D. Complex - Residential

Per residential unit	$ 3

Accessory buildings are based on sq ft in section A

Minimum	$ 50
Maximum	$ 500

E. Complex - Each building in a designated complex is assessed one fee. The fees are then added together for the total complex cost.

Maximum	$ 1,500

F. High-Rise Common Areas - (Non-residential)

Common Areas	$ 250

G. Vacant Inspection-

Hourly rate with a 1 hour minimum charge

The frequency of a Vacant inspection is based on the last approved use of the space.

Footnotes:

1. For multi-occupancy/tenant buildings, fees are per occupancy/tenant.
2. For multiple buildings owned by the same owner(s) the fees are per building as defined by the NC State Building Code.
3. Inspections will match the State mandated minimum inspection frequency. The Fire Chief can authorize a specific occupancy classification to be inspected more frequently, but not less frequently such as private schools.
4. At the time of the periodic inspection for the occupancy or premise operation, if an operational permit is required, that permit fee is included with the periodic inspection fee for that permit type.
5. Premises, complexes, and/or uses that are not covered by the above fee schedule will be charged according to the hourly rate fee schedule for the specialist rank.
6. Business & Mercantile common areas, Parking garages, greenhouses, sheds, stables, tanks, vacant tenants or buildings, and towers will be charged according to the hourly rate fee schedule for the specialist rank with a minimum of 1 hour charge.
7. Accessory buildings, such as clubhouses, maintenance sheds, etc. are inspected and charged independently based on their occupancy type.
8. Bed and Breakfast home carbon monoxide/smoke alarm reinspections are charged an inspection fee per trip per NC GS143-138 (b2)(5).

Fees For Adopted State Fire Code Permits

Description	Current	Proposed	Change
Carnivals and Fairs	$ 100/event	$ 100/event	No Change
Covered Mall Buildings	$ 500/event	$ 500/event	No Change
Explosives (Does not include standby fees)	$ 100/48 hours or $ 200/30 days	$ 50/48 hours or $ 100/30 days	($ 50)/48 hours or ($ 100)/30 days
Use of Outdoor Fireworks (Does not include standby fees)	$ 100/event or $ 500/event after 5th permit issued in fiscal year	$ 100/event or $ 500/event after 5th permit issued in fiscal year	No Change
Flammable Liquids (Items 6-11)	$ 50	$ 50	No Change
Fumigation and thermal fogging	$ 100	$ 100	No Change
Liquid or gas fueled vehicles or equipment in assembly buildings	$ 50	$ 50	No Change
Open burning and open flame use*	$ 50	$ 50	No Change
Pyrotechnics Special Effects (Does not include standby fees)	$ 100	$ 50	($50)
Fireworks Tent/Structure	$ 300/30 days	$ 300/30 days	No Change
Assembly Tent	Follow Assembly inspection fee schedule in section A or C	Follow Assembly inspection fee schedule in section A or C	No Change
Tents requiring a permit	$ 50/30 days	$ 50/30 days	No Change
Any other operational permits not listed above and required by the fire code	$ 50	$ 50	No Change

Fees for Dedicated Services Of Fire And Rescue Personnel

Rank/Band Required for Duty	Current Hourly Rate	Proposed Hourly Rate	Change
Firefighter	$ 30	$ 35	$ 5
Senior Firefighter	$ 35	$ 40	$ 5
Engineer	$ 40	$ 45	$ 5
Specialist	$ 45	$ 50	$ 5
Sr. Specialist	N/A	$ 55	$ 55
Company Officer	$ 50	$ 60	$ 10
Chief Officer	$ 55	$ 65	$ 10

294

Proposed Fire Safety Inspection Fee Schedule

Proposed Professional Services User Fees
A. FEES FOR STATE MANDATED PERIODIC FIRE INSPECTIONS *(see footnotes 1-10)*
A 5% TECHNOLOGY FEE WILL BE ADDED TO ALL FIRE INSPECTION FEES

INSPECTION FEES -
The frequency of inspections is based on the current adopted NC Fire Prevention Code with the exception of private schools, which will be inspected annually. Inspection schedules range from minimum, six months to maximum, three years, based on occupancy (or use of the building).

If violations are found during an inspection, The owner/occupant is notified by the written report/notice of violation. The violations should be corrected AS SOON AS POSSIBLE, but before the re-inspection date set (usually 15 days) to correct those hazards. Where violations that pose an immediate danger to life safety, compliance or abatement of such hazards may be ordered immediately as well as fines assessed.

RE-INSPECTION FEES -
If all violations found upon inspection are corrected, there is no re-inspection fee.
If violations found upon inspection are NOT corrected, the re-inspection fee is double the amount of the original inspection fee, and will be in addition to the previous fees.
If violations found upon the re-inspection are NOT corrected, the re-inspection fee doubles each subsequent visit with no cap.
Example:

Inspection fee		$ 100
1st Re-inspection - All violation were corrected		No fee
1st Re-inspection - did not make corrections to violations		$ 200
2nd Re-inspection - did not make corrections to violations		$ 400
Fees will double and compound for every non-compliant re-inspection -		No cap
Total charges for all inspections	$ 100 + $ 200 + $ 400	$ 700
(Plus 5% technology fee)		

Inspection Fees * see footnotes 1-8
A. Assembly, Business, Factory Industrial, High Hazard, Institutional, Mercantile, Storage, and Utility.

Square Footage	Inspection Fee
1 - 999	$ 50
1,000 - 2,999	$ 100
3,000 - 6,999	$ 150
7,000 - 11,999	$ 200
12,000 - 19,999	$ 250
20,000 - 29,999	$ 300
30,000 - 99,999	$ 400
100,000 +	$ 500

B. Educational

Square Footage	Inspection Fee
1 - 999	$ 50
1,000 - 2,999	$ 100
3,000 - 6,999	$ 150

7,000 - 11,999	$ 200
12,000 +	$ 250

C. Residential (R1, R2, R3, & R4) - Not in a Complex

R-1 Where occupants are transient in nature.
Such as hotels and motels.

R-2 Where occupants are primarily permanent in nature.
Such as apartments.

R-3 Where occupants are primarily permanent but not R-1, R-2, R-4 or I.
Such as Lodging houses, Bed & Breakfast, licensed residential care facilities.

R-4 House more than 5 and fewer than 16 with custodial care.

Per residential unit	$ 3
Minimum	$ 50
Maximum	$ 500

D. Complex - Residential

Per residential unit	$ 3

Accessory buildings are based on sq ft in section A

Minimum	$ 50
Maximum	$ 500

E. Complex - Each building in a designated complex is assessed a fee. The fees are then added together for the total complex cost.

Maximum	$ 1,500

F. High-Rise Common Areas - (Non-residential)

Common Areas	$ 250

G. Vacant Inspection-

Hourly rate with a 1 hour minimum charge
The frequency of a Vacant inspection is based on the last approved use of the space.

Footnotes:

1. For multi-occupancy/tenant buildings, fees are per occupancy/tenant.
2. For multiple buildings owned by the same owner(s) the fees are per building as defined by the NC State Building Code.
3. Inspections will match the State mandated minimum inspection frequency. The Fire Chief can authorize a specific occupancy classification to be inspected more frequently, but not less frequently such as private schools.
4. At the time of the periodic inspection for the occupancy or premise operation, if an operational permit is required, that permit fee is included with the periodic inspection fee for that permit type.
5. Premises, complexes, and/or uses that are not covered by the above fee schedule will be charged according to the hourly rate fee schedule for the specialist rank.
6. Business & Mercantile common areas, Parking garages, greenhouses, sheds, stables, tanks, vacant tenants or buildings, and towers will be charged according to the hourly rate fee schedule for the specialist rank with a minimum of 1 hour charge.
7. Accessory buildings, such as clubhouses, maintenance sheds, etc. are inspected and charged independently based on their occupancy type.
8. Bed and Breakfast home carbon monoxide/smoke alarm reinspections are charged an inspection fee per trip per NC GS143-138 (b2)(5).

296

G. FEES FOR NEW CONSTRUCTION INSPECTION SERVICES

Fees for new construction services provided by the Fire Department are identified within the Development Services Department's fee schedule as an integral component of the City's development review and inspection services.

H. FEES FOR ADOPTED STATE FIRE CODE PERMITS

Code Section	Description	Fees
105.6.4	Carnivals and Fairs	$ 100/event
105.6.9	Covered Mall Buildings	$ 500/year
105.6.14	Explosives (Does not include standby fees; Apparatus or personnel)	$ 100/48 hrs or $ 200/30 days
105.6.14	Use of Outdoor Fireworks; (Does not include standby fees; Apparatus or personnel)	$ 100/event or $ 500/event after 5th permit issued in fiscal year
105.6.16	Flammable Liquids (Items 6-11)	$ 50
105.6.19	Fumigation and thermal fogging	$ 100
105.6.26	Liquid or gas fueled vehicles or Equipment in assembly buildings	$ 50
105.6.30-32	Open burning and open flame use *	$ 50
105.6.36	Pyrotechnics Special Effects (Does not include standby fees; Apparatus or personnel)	$ 100
105.6.43	Fireworks Tent/Structure	$ 300/30 days
105.6.43	Assembly Tent	Follow Assembly inspection fee schedule in section A or C
105.6.43	Tents requiring a permit	$ 50/30 days
105.6.XX	Any other operational permits not listed above and required by the fire code	$ 50

*Open burning for the purpose of the proper disposal of the United States flag according to the United States Flag Code will have the associated open burning permit fee waived.

I. DEDICATED SERVICES OF FIRE AND RESCUE PERSONNEL

Appropriate personnel and apparatus necessary for a requested or required service will be determined by the Fire Chief. A written agreement of the supplemental service will be in place prior to AFD providing any services, or may be used by the judicial system as necessary.

Rank/band required for duty hourly rate or portion of any hour (two hour minimum charge)

Firefighter	$ 35
Senior Firefighter	$ 40
Engineer	$ 45
Specialist	$ 50
Sr. Specialist	$ 55
Company Officer	$ 60
Chief Officer	$ 65

J. DEDICATED STANDBY OF EMERGENCY APPARATUS

Apparatus required for duty hourly rate or portion of any hour (two hour minimum charge).

Support vehicle, trailer	$ 50
Light duty quick response vehicle, boat	$ 100
Fire Engine	$ 200
Rescue Truck or Quint	$ 250
Ladder Truck	$ 300

298

Attachment C - Parking Garage, Lot, and Meter Fees

On and Off-Street Parking Rate Changes (Parking Fund)

Hourly Parking Garage Changes	**Current**	**Proposed**	**Change**
Second Hour	$ 2.50	$ 2.00	($ 0.50)
Additional Hours (per hour)	$ 1.25	$ 2.00	$ 0.75
Maximum All Day (24 hours)	$ 12.00	$ 20.00	$ 8.00
Lost Access Card Fee	$ 10.00	$ 25.00	$ 15.00
Lost Ticket Fee	$ 20.00	$ 25.00	$ 5.00
Validation Coupons (cost per hour)	$ 1.50	$ 2.25	$ 0.75
Monthly Parking Garage Rate Changes	**Current**	**Proposed**	**Change**
12 Hour Monthly (7:00am-7:00pm, 7 days/week) HCCA Rankin Ave Wall St Biltmore Ave	New	$ 80.00 $ 90.00 $ 100.00 $ 110.00	N/A
Sunset Rate (4:00pm-7:00am M-F, 24/7 Sat + Sun) HCCA Rankin Ave Wall St Biltmore Ave	New	$ 65.00 $ 75.00 $ 85.00 $ 90.00	N/A
Monthly On-street Rate Changes	**Current**	**Proposed**	**Change**
Grove St.	$ 40.00	$ 50.00	$ 10.00
N. French Broad St.	$ 40.00	$ 50.00	$ 10.00
Aston St.	$ 55.00	$ 50.00	($ 5.00)
S. Market St.	$ 40.00	$ 50.00	$ 10.00
Oak St. (currently metered)	New	$ 40.00	N/A
Ravenscroft Dr.	New	$ 30.00	N/A
Sawyer St.	New	$ 30.00	N/A
S. Church St. (between Hilliard and S. Lexington)	New	$ 30.00	N/A
Central Ave., Woodfin St., Elm St.	$ 55.00	$ 30.00	($ 25.00)
Monthly Off-street Lots Rate Changes	**Current**	**Proposed**	**Change**
Lots 13, 14, 17, 18, and 19	$ 70.00	$ 60.00	($ 10.00)
Lot 15 (currently metered)	New	$ 50.00	N/A
Lot 20	$ 70.00	$ 50.00	($ 20.00)

ORDINANCE NO. 4373 / 14873

ORDINANCE ADOPTING THE FISCAL YEAR 2021-22 WATER RESOURCE FEES & CHARGES

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The attached Fiscal Year 2021-22 Water Resources fees and charges, attached hereto and made a part hereof, be adopted.

That this ordinance shall be in full force and effective upon July 1, 2021.

Read, approved and adopted this 11th day of May, 2021.

Magdalen Bouleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bouleson
City Clerk

THE CITY OF ASHEVILLE

Water Rates

	2020	2021	2022
Bimonthly Base Charge (1)			
5/8"	$ 6.34	$ 6.34	$ 9.78
3/4"	$ 6.34	$ 6.34	$ 14.05
1"	$ 6.34	$ 6.34	$ 22.58
1.5"	$ 6.34	$ 6.34	$ 43.90
2"	$ 6.34	$ 6.34	$ 69.49
3"	$ 6.34	$ 6.34	$ 137.73
4"	$ 6.34	$ 6.34	$ 214.50
6"	$ 6.34	$ 6.34	$ 427.75
8"	$ 6.34	$ 6.34	$ 683.65
10"	$ 6.34	$ 6.34	$ 1,792.55
Monthly Capital Charge			
5/8"	$ 4.26	$ -	$ -
3/4"	$ 4.87	$ -	$ -
1"	$ 58.46	$ -	$ -
1.5"	$ 97.43	$ -	$ -
2"	$ 170.50	$ -	$ -
3"	$ 535.87	$ -	$ -
4"	$ 937.77	$ -	$ -
6"	$ 1,205.71	$ -	$ -
8"	$ 1,473.64	$ -	$ -
10"	$ 1,741.59	$ -	$ -

(1) Some commercial and manufacturing customers are billed monthly rather than bimonthly. Beginning in FY 2022, these customers will be billed half the bimonthly base fee, plus a small fee to cover the administrative cost of more frequent billing.

Proposed Volumetric Charge per CCF			
Single Family Residential	$ 4.21	$ 4.21	$ 4.47
Irrigation	$ 5.20	$ 5.20	$ 5.53
Multi-Family Residential	$ 3.70	$ 3.70	$ 3.93
Commercial			
0-1,000 CCF Monthly / 0-2,000 CCF Bimonthly	$ 3.56	$ 3.56	$ 3.78
> 1,000 CCF Monthly / > 2,000 CCF Bimonthly	$ 2.21	$ 2.21	$ 2.35
Manufacturer			
0-1,000 CCF Monthly / 0-2,000 CCF Bimonthly	$ 3.56	$ 3.56	$ 3.78
> 1,000 CCF Monthly / > 2,000 CCF Bimonthly	$ 2.02	$ 2.02	$ 2.15
Wholesale	$ 1.23	$ 1.23	$ 1.23
Wholesale Capacity, per 10,000 gal/day	$ 184.00	$ 184.00	$ 184.00

ORDINANCE NO. 4374 /4874

ORDINANCE AMENDING THE FISCAL YEAR 2021-22 FEES & CHARGES MANUAL FOR A SPECIAL EVENT FEE DISCOUNT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The Fiscal Year 2021-2022 Fees and Charges Manual is hereby amended to add the following:

75% discount provided to state registered and federal 501c non-profit organizations for outdoor special events that are open to the public and produced on public property. This discount applies to Property Use Fees and Permit Fees only.

That this ordinance shall be in full force and effective upon July 1, 2021.

Read, approved and adopted this 11th day of May, 2021.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

502

ORDINANCE NO. 4375 / 4875

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Transit Capital Fund Budget Ordinance be amended to accept a donation from the Rotary Clubs of Asheville-Biltmore and Arden and the Montford Neighborhood Association for bus shelters:

TRANSIT CAPITAL FUND

Revenues:

Private Donations (Rotary Clubs)	$14,000
Private Donations (Montford)	$ 2,000
Total Revenues	$16,000

Appropriations:

Materials	$16,000
Total Expenses	$16,000

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 25th day of May, 2021.

Magdalen Burleson
City Clerk

Esther Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

ORDINANCE NO. 4376 / 4876

303

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Fiscal Year 2020-21 Budget Ordinance be amended to add an appropriation of $438,000 and amend the Special Revenue Fund as follows:

SPECIAL REVENUE FUND

Revenues:

Federal Revenue Distribution - ARPA	$438,000
Total Revenues	$438,000

Appropriations:

Contracted Services	$438,000
Total Appropriations	$438,000

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this the 25th day of May 2021.

Magdalen Bruleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bruleson
City Clerk

304

ORDINANCE NO. 4377 /4877

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Fiscal Year 2020-21 Budget Ordinance be amended to provide an appropriation of $1,250,000 to fund the purchase of property and amend the Capital Projects Fund as follows:

CAPITAL PROJECTS FUND

Revenues:

Private Donations	$1,250,000
Total Revenues	$1,250,000

Appropriations:

Land Purchase	$1,250,000
Total Appropriations	$1,250,000

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this the 25th day of May, 2021.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

ORDINANCE NO. 4378 / 4878

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Fiscal Year 2021 Budget Ordinance be amended to provide an appropriation of $275,416.00 to accept a federal grant from the Executive Office of the President, Office of National Drug Control Policy for the Asheville High Intensity Drug Trafficking Areas 2021 Grant, as follows:

SPECIAL REVENUE FUND

Revenues:

Restricted Intergovernmental Federal Grants	$275,416.00

Appropriations:

Overtime, Travel, Services and Supplies	$275,416.00

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 8th day of June, 2021.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

306

ORDINANCE NO. 4379 /4879

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Fiscal Year 2020-21 Budget Ordinance be amended to add an appropriation of $90,000 and amend the Special Revenue Fund as follows:

SPECIAL REVENUE FUND

Revenues:

Federal Revenue Distribution - ARPA	$90,000
Total Revenues	$90,000

Appropriations:

Contracted Services	$90,000
Total Appropriations	$90,000

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this the 8th day of June, 2021.

Magdalen Bruleson
City Clerk

Esther E. Clark
Mayor

Approved as to form:

City Attorney

Magdalen Bruleson
City Clerk

ORDINANCE NO. 4380 / 14880

ORDINANCE ESTABLISHING REZONING FOR PROPERTY LOCATED AT 99999 GLENDALE AVENUE

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this rezoning is also deemed an amendment to the Future Land Use Map changing this parcel from Traditional Neighborhood to Urban Corridor; and

WHEREAS, this proposed amendment is consistent with the *Living Asheville - A Comprehensive Plan for our Future* and is determined to be reasonable, and in the public interest for the following reasons:

a) Supports mixed-use infill in areas targeted for growth; and
b) Addresses an unusual zoning map condition.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

The zoning classification of that certain real property described in Exhibit A and identified on Buncombe County tax maps as PIN 9658-21-4847, and recorded in Deed Book 5908, Page 879, and currently owned by Glendale Avenue Qualified Opportunity Zone Business LLC, from Residential Multi-family, High Density (RM-16) to Commercial Industrial (CI). A copy of the official zoning map showing said lot is attached hereto as Exhibit "A.1" in addition a copy of the Proposed Zoning and Future Land Use Boundary survey showing the proposed zoning and future land use is attached hereto as Exhibit "C-1".

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. The ordinances shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 5. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 8th day of June, 2021.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

City of Asheville
Exhibit A1 Map - Proposed Zoning
Rezoning Petition - 99999 Glendale Ave.

ASHEVILLE

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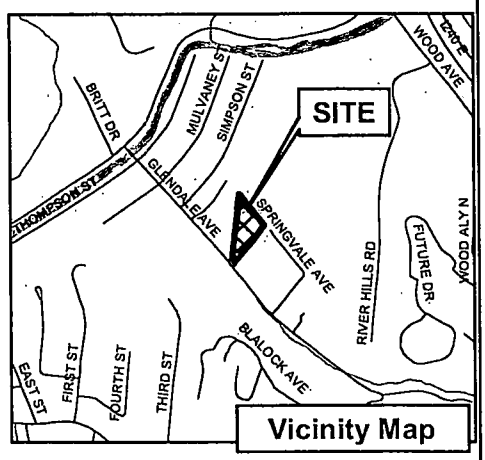
Project Name:	Glendale Ave. Rezoning
Project Number:	21 - 01609 PZ
Project Description:	REZO from RM-16 to CI
Petitioner(s):	Todd Fowler
Parcel ID Number(s):	9658-21-4847
Location/Address:	99999 Glendale Ave.



Project Site
Zoning Districts
Parcels
Streets
Asheville City Limits
River Areas

City of Asheville Planning and Urban Design Department - February 2020

ASHEVILLE

City of Asheville
Exhibit C1 Map - Proposed Future Land Use
Rezoning Petition - 99999 Glendale Ave.

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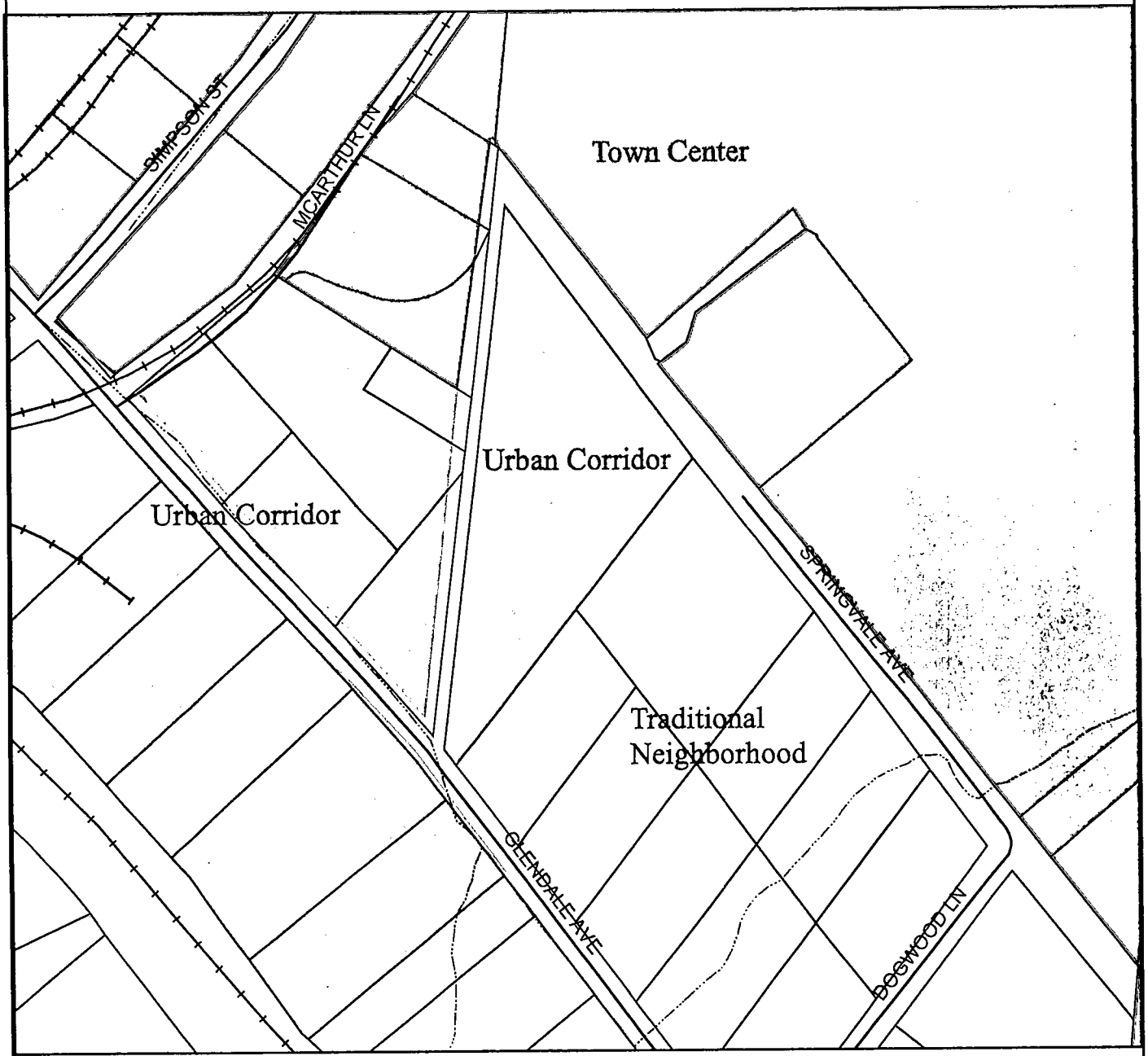

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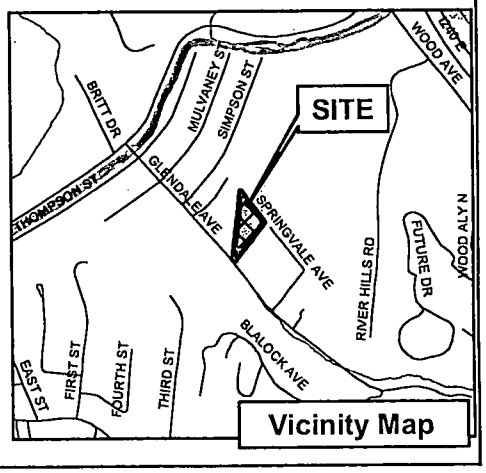

Project Site
Zoning Districts
Parcels
Streets
Asheville City Limits
River Areas

City of Asheville Planning and Urban Design Department - February 2020

ORDINANCE NO. 4381 /4881

ORDINANCE AMENDING CHAPTER 7, DEVELOPMENT, OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE TO ALIGN THE UNIFIED DEVELOPMENT ORDINANCE TO CONFORM WITH THE REQUIREMENTS OF SESSION LAW 2019-111, COMMONLY REFERRED TO AS CHAPTER 160D.

WHEREAS, the City of Asheville has the authority pursuant to Chapter 160D of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety, and welfare; and

WHEREAS, the Unified Development Ordinance (Chapter 7 of the City Code of Ordinances) (herein "UDO") specifies standards, processes and regulations for development and land use; and

WHEREAS, the North Carolina legislature recently enacted Session Law 2019-111, "An Act to Clarify, Consolidate, and Reorganize the Land-Use Regulatory Laws of the State" commonly referred to as N.C.G.S. Chapter 160D on June 19, 2020; and

WHEREAS, the new law provided flexibility to local governments in the timing for adoption of amendments to conform local development regulations to the new statute, allowing local governments to enact their amendments immediately, if they so choose. Local governments are not required to enact the conforming amendments until July 1, 2021; and

WHEREAS, the City of Asheville has determined that it is its best interest to enact amendments to conform with the new 160D as soon as we are able and the text amendments herein, align several sections of the UDO and other relevant sections of the City Code with N.C.G.S. 160D; and

WHEREAS, the City's adopted "Living Asheville Comprehensive Plan" encourages Responsible Regionalism that seeks to improve regional collaboration, coordination and communication and the proposed text amendments meet that goal by aligning the City's development code with the State statutes; and

WHEREAS, this revision, which clarifies provisions in Article III, V, VI, VII and to otherwise provide language that brings the sections of the Uniform Development Ordinance into compliance with N.C.G.S. 160D; and

WHEREAS, this Ordinance is determined to be reasonable, in the public interest, and is consistent with the Comprehensive Plan in that it promotes responsible growth based on holistic decision making and brings City ordinances into compliance with the new North Carolina General Statute regarding land use development regulations, N.C.G.S. 160D;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1: Chapter 7 of the Code of Ordinances of the City of Asheville is hereby amended as follows:

(A) Replace Sec. 7-5-20 in its entirety to read as follows:

(a) *General notice requirements.* Each notice for public, legislative or quasi-judicial,hearings required by this chapter shall identify: (1) the date, time and place of the hearing and (2) the nature and character of the proposed action. Where the action being taken concerns a particular property or properties, the notice shall also identify the location of the subject property. At any time the

procedures set out in this chapter conflict with North Carolina General Statutes, the North Carolina General Statute procedures will control.

(b) *Notice procedure.* The following standards detail the notification procedure to be followed for public hearings required by this chapter unless otherwise set forth in this chapter. Failure to follow procedures set forth in this section may affect the validity of any action taken at a public hearing or public meeting.

(1) *Published notice.* Notice for hearings required by this chapter shall be published in a newspaper of general circulation once a week for two successive calendar weeks, with the first notice being published no later than ten (10) days, nor more than twenty-five (25) days, prior to the date on which the application is to be considered at a scheduled public hearing. Hearings held by the downtown commission shall be exempt from this notice requirement.

(2) *Mailed notice for legislative hearings.* First class mailed notice for legislative hearings required by this chapter shall be provided to the person or entity whose application or request is the subject of the hearing, to the owner of the property that is the subject of the hearing if the owner did not initiate the hearing and owners of all properties located within 200 feet of the subject property as said owners are shown on the county tax listings. Such notice shall be mailed no later than ten (10) days before the scheduled date of the hearing.

(3) *Mailed Notice for quasi-judicial hearings.* First class mailed notice for quasi-judicial hearings required by this chapter shall be provided to the person or entity whose application or request is the subject of the hearing, to the owner of the property that is the subject of the hearing if the owner did not initiate the hearing and owners of all properties and parcels abutting the subject property as said owners are shown on the county tax listings. Such notice shall be mailed no later than ten (10) days before the scheduled date of the hearing. For the purpose of this section properties are "abutting" even if separated by a street, railroad, or other transportation corridor.

(4) *Posted notice.* A sign (or signs) providing information concerning a legislative or quasi-judicial hearing required by this chapter will be posted on property which is the subject of said hearing no later than ten (10) days before the date on which the hearing is to occur. The sign(s) shall be prominently placed on the subject parcel or on an adjacent public street or highway right-of-way. When multiple parcels are involved, a posting on each individual parcel is not required, but the city shall post sufficient notices to provide reasonable notice to interested persons.

(c) *Special notice requirements for telecommunications towers/structures.* For any public hearing for special use applications for telecommunication towers and concealed telecommunication support structures, as required by section 7-16-2 hereinafter, additional notice and public hearing requirements shall be provided as set forth in section 7-16-2 of this chapter.

(B) Revise section 7-3-1(a)(5) to read:

To adopt Design Guidelines;

(C) Revise section 7-3-2(b)(1) to read:

The Asheville Planning and Zoning Commission shall consist of seven members. Five members who are residents of the City of Asheville shall be appointed by the Asheville City Council. The remaining two members shall be residents who reside within one mile of the municipal limits of the City of Asheville and appointed by the Buncombe County Board of Commissioners pursuant to N.C. Session Law 2013-30. All members shall have equal rights, privileges, and duties.

(D) Revise 7-3-3(b)(1) to read:

The board of adjustment for the City of Asheville shall consist of five regular members and seven alternate members. Three regular members and four alternate members who are residents of the City of Asheville shall be appointed by the Asheville City Council. Two regular members who reside within one mile of the municipal limits and three alternate members shall be appointed by the Buncombe County Board of Commissioners pursuant to N.C. Session Law 2013-30.

(E) Revise 7-3-3(e) to read:

Administering oaths and issuing subpoenas. Pursuant to N.C. Gen. Stat. section 160D-406 (f) and (g), the chairperson of the board, the acting chairperson, and the clerk to the board are authorized to administer oaths to witnesses appearing before the board in any matter. Any person who, while under oath during a proceeding before the board of adjustment, willfully swears falsely is guilty of a Class 1 misdemeanor. The board, through the chair, or in the chair's absence anyone acting as chair, may also issue subpoenas and compel the production of evidence.

(F) Revise 7-3-6 (b)(1) to read:

The City of Asheville's Specifications Review Committee shall consist of the planning and development director or his/her designee, the director of city engineering or his/her designee, the director of development services or his/her designee, and the director of public works or his/her designee.

(G) Add subsection (b) to section 7-3-9 to read:

(b) *Conflicts of Interest.* No staff member shall make a final decision on an administrative decision related to a development regulation if that decision would have a direct, substantial, and readily identifiable financial impact on the staff member or if the applicant or other person subject to that decision is a person with whom the staff member has a close familial, business, or other associational relationship, pursuant to N.C.G.S. §160D-109(c).

(H) Revise section 7-6-1(a) to read:

Purpose. The variance process administered by the board of adjustment is a quasi-judicial process intended to provide limited relief from the requirements of this chapter in those cases where strict application of a particular requirement will create an unnecessary hardship prohibiting the use of land in a manner otherwise allowed under this chapter. It is not intended that variances be granted merely to remove inconveniences or financial burdens that the requirements of this chapter may impose on property owners in general or to increase the profitability of a proposed development. Rather, it is intended to provide relief where the requirements of this chapter render the land difficult to use because of some unique physical attribute of the property itself or some other factor unique to the property for which the variance is requested.

(I) Revise section 7-6-1(b)(1) to read:

Other than those exceptions explicitly noted, in no event shall the board of adjustment grant a variance to any special requirement set out in article XVI for a use by right subject to special requirements, or grant a variance with respect to any special use permit or conditional zoning district ordinance adopted pursuant to this chapter.

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(J) Revise section 7-6-1(7) to read:

Reserved.

(K) Revise section 7-6-1(d)(1) to read:

Upon receiving the application materials, the board of adjustment shall hold a quasi-judicial hearing on a proposed variance. Notice of the hearing shall be provided in accordance with the provisions of section 7-5-20 of this chapter. The hearing shall be conducted in accordance with the rules of procedure of the board of adjustment and in accordance with the North Carolina General Statutes.

(L) Revise section 7-6-1(d)(3) to read:

After conducting the quasi-judicial hearing, the board of adjustment may:

a. Deny the application;

b. Conduct an additional hearing on the application; or

c. Grant the application. The concurring vote of four-fifths of the board of adjustment shall be necessary to grant a variance.

Any approval or denial of the request shall be accompanied by written findings that the variance meets or does not meet each of the standards set forth in subsection 7-6-1(e) below: except the standards for flood protection regulation variances are set forth in subsection 7-6-1(f). The written decision shall be signed by the chair or other duly authorized member of the board. A quasi-judicial decision is effective upon filing the written decision with the secretary to the board.

(M) Revise section 7-6-1(i) to read:

Appeals. Any appeal from the decision of the board of adjustment may be made by an aggrieved party and shall be made to the Superior Court of Buncombe County in the nature of certiorari. Any such petition to the Superior Court shall be filed no later than 30 days, as provided in N.C.G.S. §160D-1405, after a written copy of the decision of the board of adjustment is provided to the applicant.

(N) Revise section 7-6-2(c) to read:

Persons who may file and appeal. Any person who has standing under N.C.G.S. §160D-1402(c) or the City may appeal a decision to the board of adjustment. The notice of appeal shall state the grounds for appeal.

(O) Revise section 7-6-2(d)(3) to read:

Any appeal of an administrative decision must be filed no later than thirty (30) days from receipt of written notice of the decision. For purposes of this section, "filed" means received by the city clerk.

(P) Revise section 7-6-2(e)(1)(2) to read:

(1) Upon receiving the application materials, the board of adjustment shall hold a quasi-judicial hearing on the appeal. Notice of the hearing shall be provided in accordance with the provisions of section 7-5-20 of this chapter. The hearing shall be

conducted in accordance with the rules of procedure of the board of adjustment and in accordance with the North Carolina General Statutes.

(2) Either at the hearing or a subsequent meeting, the board of adjustment shall adopt an order reversing, affirming, or modifying the contested action.

(Q) Revise section 7-6-2(g) to read:

Appeal from board of adjustment. Any such petition to the superior court shall be filed no later than thirty (30) days after a written copy of the decision is provided to the applicant, as provided in N.C.G.S. §160D-1405 (d).

(R) Revise section 7-6-3 to read:

Variances for Reasonable Accommodations.

(S)Revise section 7-6-3(a) to read:

Purpose. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability as provided in N.C.G.S. §160D-705(d). This section provides a procedure for making requests for reasonable accommodations in land use, zoning and build ing regulations, policies, practices and procedures for the City of Asheville to comply fully with the intent and purpose of federal laws.

Nothing in this section requires persons with disabilities or handicaps, or operators of family care homes or group homes for persons with disabilities or handicaps acting or operating in accordance with applicable zoning, licensing or land use laws or practices, to seek reasonable accommodation under this section.

(T) Revise section 7-6-3(d)(1) to read:

The City of Asheville's Development Services Department shall provide applicants for a reasonable accommodation with an application form, eliciting the following information:

a. The applicant's name, address and telephone number;
b. Name, address, and telephone number of the property owner and the current address for which the request is being made;
c. The current actual use of the property;
d. The basis for the claim that the applicant is considered disabled or handicapped under federal law;
e. The UDO provision, regulation or pol cy from which reasonable accommodation is being requested.
f. Explanation of why the reasonable accommodation is necessary to make specific property available for the individual.

(U) Revise section 7-6-3(e)(2)(c)(i) to read:

Grant the application. The concurring vote of four-fifths of the board of adjustment shall be necessary to grant a reasonable accommodation; or

(V) Revise section 7-6-3(e)(3)(c) to read:

Is "necessary." An accommodation will be determined to be necessary if it would provide direct or meaningful therapeutic amelioration of the effects of the particular disability or handicap, and would afford handicapped or disabled persons equal opportunity to enjoy and use housing in residential districts in the city.

(W) Revise section 7-6-3(c)(5) to read:

Appeals. Any appeal from the decision of the board of adjustment may be made by an aggrieved party and shall be made to the Superior Court of Buncombe County in the nature of certiorari in accordance with the procedures and requirements set forth in N.C.G.S. § 160D-1402.

(X) Revise section 7-7-4(c), (d) to read:

(c) Negative recommendation by the Asheville Planning and Zoning Commission. Following a negative recommendation by the Asheville Planning and Zoning Commission on the proposed amendments, the action shall be reported to the Asheville City Council for a public hearing and final action according to the process set forth in subsection 7-7-5. The public hearing will be scheduled as provided by city council's rules of procedure.

(d) No action by the Asheville Planning and Zoning Commission. If the Asheville Planning and Zoning Commission has made neither a positive nor a negative recommendation on a proposed amendment within thirty (30) days of referral of the amendment to the Commission, the Asheville City Council may act on the amendment without the Planning and Zoning Commissions report. The proposed amendment shall be accompanied by a record of the Asheville Planning and Zoning Commission's comments regarding the amendment and the reasons, if any, for their lack of action.

(Y) Revise section 7-7-5(a) to read:

Review—general. Following receipt of a recommendation on a proposed amendment, the Asheville City Council shall hold a public hearing on the proposed amendment. The public hearing will be scheduled and conducted as provided by city council's rules of procedure. Notice of the hearing shall be provided in accordance with the provisions of section 7-5-20 of this chapter and the North Carolina General Statutes.

(Z) Revise section 7-7-5(b)(2) to read:

With the exception of conditional zonings as described in sec. 7-7-8, when considering a proposed amendment, the Asheville City Council will not evaluate the petition based on any specific proposal for the use or development of the property. The petitioner shall not use any graphic materials or descriptions of the proposed development except for those which would apply to all uses permitted by the requested classification.

(A1) Revise section 7-7-6 to read:

Reserved.

Section 2: If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection,

sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsection, sentences, clauses,, or phrases be declared invalid.

Section 3: All ordinances or part of ordinances in conflict are hereby repealed to the extent of such conflict.

Section 4: This ordinance shall be effective upon adoption.

Read, approved and adopted this 8th day of June, 2021

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

318

ORDINANCE NO. 4382 /4882

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Fiscal Year 2020-21 Budget Ordinance be amended to provide an appropriation of $2,100,000 to fund community reparations as follows:

GENERAL CAPITAL FUND

Revenues:

Land Sale Proceeds	$2,100,000
Total Revenues	$2,100,000

Appropriations:

Reparation Expenses	$2,100,000
Total Expenses	$2,100,000

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 8th day of June, 2021.

Magdalen Bouleson
City Clerk

Esther G. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bouleson
City Clerk

ORDINANCE NO. 4383 / 14883

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Fiscal Year 2021 Budget Ordinance be amended to provide an appropriation of $35,403,247 to refund interim financing with long-term debt.

GENERAL (2100) FUND

Revenues:

Proceeds of Debt	$35,403,247
Total Revenues	$35,403,247

Appropriations:

Payment to Defease Debt	$35,403,247
Total Appropriations	$35,403,247

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 22nd day of June, 2021.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

320

ORDINANCE NO. 4384 /4884

ORDINANCE AMENDING CHAPTER 13, ARTICLE II, REGARDING RULES AND REGULATIONS FOR POLICE ALARMS

WHEREAS, the City of Asheville has authority pursuant to N.C. Gen. Stat. § 74D-11(c) to require an alarm systems business operating within its jurisdiction to register and to supply information regarding its license, and may adopt an ordinance to require users of alarm systems to obtain revocable permits when alarm usage involves automatic signal transmission to a law-enforcement agency; and

WHEREAS, on August 29, 2002, the City of Asheville adopted an Alarm ordinance (Ord. No. 2951 under Chapter 13, Article II, § 31-39); and

WHEREAS, between January 1, 2018, to May 12, 2021, officers from the Asheville Police Department ("the APD") responded to 15,682 business and residential burglar alarms, of which 97% were false alarms; and

WHEREAS, the APD has drafted a revised ordinance based on best law enforcement and security alarm industry practices, with a goal of increasing more efficiency, managing its alarm permitting process, and reducing false alarms;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. Chapter 13, Article II, Rules and Regulations for Police Alarms, of the Code of Ordinances of the City of Asheville is hereby repealed in its entirety and a new Article II be inserted as follows:

Sec. 13-31. Definitions.

Alarm means any electronic or mechanical device which emits any signal (electronic, visible, audible, silent, recorded or otherwise), which is designed, intended, or used to detect unauthorized entry into a building, structure, or premises, to signal an attempted robbery or holdup, or the commission of an unlawful act in or around a building, structure, or premises that is intended to elicit a response by the police.

Alarm Administrator means a person,persons, firm, partnership, association or corporation designated by the City of Asheville's chief of police to administer the provisions of this ordinance.

Alarm business means any person, firm, partnership, association or corporation subject to Chapter 74D of the North Carolina General Statutes engaged in selling, leasing, installing, servicing or monitoring of alarms.

Alarm systems coordinator (herein "ASC") means an employee of the City of Asheville or its alarm administrator designated by the chief of police to administer this article.

Alarm permit means a permit issued to an alarm user by the City of Asheville and/or its alarm administrator allowing the operation of an alarm system within the City.

Alarm system means a device or series of devices, including, but not limited to, hardwired systems and systems interconnected with a radio frequency method such as cellular, private radio signals, or internet, which emit or transmit a remote or local audible, visual or electronic signal indicating an alarm condition and intended to summon a city emergency service response, including local alarm systems. Alarm system does not include an alarm installed in a vehicle or on someone's person unless the vehicle or the personal alarm is permanently located at a site.

Alarm user means any person, corporation, partnership, governmental or educational entity owning, leasing, or occupying a property utilizing an alarm.

Asheville Police Department (herein "APD") means a department of the city or its consolidated call center that receives telephone or signal requests for police, fire, ambulance, rescue, or other emergency service within the city.

Automatic dial protection device means an automatic dialing device, automatic telephone dialing alarm system or any system which, upon being activated, automatically initiates a recorded message or code signal indicating a need for an emergency response.

Cancellation means termination of response by an emergency service when the alarm company notifies the responding agency or department that there is not an existing situation at the alarm site requiring police response after an alarm dispatch request. If cancellation occurs prior to police arriving at the scene, this is not a false alarm and no penalty will be assessed.

Compliance Standards means equipment and installation methods shall comply with all appropriate nationally recognized testing laboratories and American National Standards Institute (ANSI) requirements.

Enhanced Call Confirmation (ECC), means an attempt by the alarm system monitoring company to contact the alarm site and/or alarm user by telephone and/or other means, whether or not actual contact with a person is made, to determine whether an alarm signal is valid before requesting law enforcement response. A second call shall be made to an alternate number provided by the alarm user if the first attempt fails. EXCEPT in case of a fire, panic or robbery-in-progress alarm or in cases where a crime-in-progress has been verified as defined in ANSI/CSAA CS-V-01-2016 or an equivalent standard.

False alarm means activation of an alarm by any means that elicits a response by a city emergency service when no situation requiring such a response does, in fact, exist. This includes accidental, avoidable, and unnecessary alarm activation due to user error, equipment malfunction, improper or unsuited equipment, but does not include alarm activation caused by violent conditions of nature or other extraordinary circumstances not reasonably subject to control by the alarm user or alarm business.

False alarm day means any 24-hour period that begins with the occurrence of a false alarm.

Local audible alarm means any alarm owned by an alarm user that, by sound of a whistle, bell, buzzer, siren or other noise generator, alerts those outside the home or building, of a break-in or robbery, but does not transmit a signal by telephone or other communications device.

Local alarm means an alarm system that emits a signal at an alarm site that is audible or visible from the exterior of a structure and is not monitored by a remote monitoring facility, whether installed by an alarm company or user.

Permit year means a 12-month period beginning on the day and month on which an alarm permit is issued.

Police chief means the chief of police for the City of Asheville or his/her designee.

Runaway alarm means an alarm system that produces three (3) or more unfounded alarm signals in a twenty-four (24) hour period. City emergency services may, at their discretion, discontinue responding to these alarm signals until the alarm system is corrected.

Registered alarm means an alarm that has been listed with the Asheville Police Department or its designee in accordance with the application and permitting requirements of this article.

Verify means an attempt by the alarm system monitoring company to contact the alarm site and/or alarm user by telephone and/or other electronic means, regardless of whether actual contact with a person is made, to determine whether an alarm signal is valid before requesting law enforcement response A second call shall be made to an alternate number provided by the alarm user if the first attempt fails.

Sec. 13-32. Requirements for alarm users.

(a) Permit and application.

(1) Every alarm user shall obtain a permit for each alarm that operates within the city from the Alarm System Coordinator (herein "ASC"). An alarm business must obtain a permit under this section only if an alarm is used to protect the premises in which the business is located. The ASC will provide the permit application form. No other permit application form will be accepted.

(2) All alarm businesses doing business in the city shall provide the ASC a current copy of its license pursuant to Chapter 74D of the North Carolina General Statutes and the contact person's name, address and telephone number for the alarm business.

(3) A permit application shall be submitted within thirty (30) days of installation of an alarm system. The ASC shall approve such application if the application complies with the provisions set forth in this article. During this 30-day period, the alarm user will not be subject to the provisions of section 13-32(e) (1).

(4) The person applying for the permit at the time of application shall pay the application set forth in the City's fees and charges manual.

(5) When possession and/or control of a premises with an alarm is transferred, the person obtaining possession and/or control of the premises is required to file an application for a new alarm permit within ten (10) business days of obtaining possession of the property. Permits are not transferable.

(6) Whenever the information provided on the permit application changes, the alarm user must notify the ASC within thirty (30) days of the change. In addition, on an annual basis, after the issuance of the permit, the alarm user will receive from the ASC a form requesting updated information. The permit holder shall complete and return this form to the ASC.

(7) In the interest of public safety, all information contained in and gathered through the alarm permit application(s) and application(s) shall not be considered public records per N.C. Gen. Stat. 132-1.7 and other applicable law.

(b) Denial and revocation.

(1) The ASC may revoke a permit where it is found that the alarm user provided false information on the permit application.

(2) The ASC may revoke a permit if the alarm user does not respond to an alarm activation as required in section 13-34.

(3) The ASC may revoke a permit if the alarm user fails to comply with the provisions in this article.

(c) Permit required. Each permit for a business shall be available at the premises wherein the alarm is installed and shall be available for inspection by the police chief during normal business hours.

(d) Multiple systems. If an alarm user has one or more alarm systems protecting two or more separate structures having different addresses and/or tenants, a separate permit shall be required for each structure and/or tenant.

(e) Failure to obtain a permit.

(1) Any alarm user who operates an alarm without a permit or who has not applied for a permit under this section as required by this article shall be assessed a civil penalty of as stated below:

(a) First alarm to which police respond--$0.00 (a warning will be issued and the alarm holder will have ten working days to secure a permit).

(b) Second and subsequent alarms to which police respond--$100.00 per occurrence.

(2) The above civil penalty is in addition to those civil penalties listed in section 13-37(b).

Sec. 13-33. Automatic dialing protection devices prohibited.

No automatic dial protection device shall be used to report, or cause to be reported, any recorded message to the APD. Police will not respond to recorded messages.

Sec. 13-34. Alarm user response to alarms.

(a) The alarm user, or a representative thereof, shall be available at all times for the purpose of responding to alarms by personally appearing at the structure designated in the permit following an alarm activation.

(b) If, in the event of any alarm, the APD or other agency is unable to notify the alarm user or a representative thereof or if the alarm user or a representative thereof fails to appear at the home or structure designated in the permit within 30 minutes after notification, the permit may be revoked.

Sec. 13-35. False alarms.

(a) Whenever an alarm is activated in the city and the APD responds, a police officer on the scene of the activated alarm system shall inspect the area and determine whether the police response was in fact necessary as indicated by the alarm system or whether the alarm was a false alarm.

(b) If the police officer at the scene of the activated alarm system determines the alarm to be false, the alarm user shall be notified.

(c) The ASC may require the inspection of an alarm system for which there have been five (5) false alarm days within a twelve (12) month period. A representative of an alarm business selected by the alarm user must perform the inspection. Any cost associated with the inspection will be beared by the alarm user. The ASC must have proof of the inspection within thirty (30) days after the alarm user receives notice. Failure to provide proof of inspection may result in revocation of the alarm permit.

(d) All local audible alarms shall be equipped with an automatic reset device that will reset and cease to sound the alarm after fifteen (15) minutes of continuous activation. The alarm user shall be assessed an additional civil penalty of fifty ($50.00) dollars for each violation of a continuing local audible alarm activation. This penalty is in addition to any false alarm penalty as set forth in section 13-37.

(e) Signals or messages transmitted by the alarm during alarm testing procedures shall not be considered false alarms provided the APD is notified of the testing and the APD does not respond.

(f) It shall be unlawful to activate an alarm system for the purpose of summoning law enforcement when no burglary, robbery, or other crime dangerous to life or property is being committed or attempted on the premises, or otherwise to cause a false alarm.

(g) The City may discontinue response of city emergency services if the City determines that:

(1) There is any violation of this article

(2) There is a false statement of material matter in the application of permit.

(3) An alarm system has generated in excess of ten (10) false alarms during any twelve (12) month period.

(4) The alarm holder has failed to make payment of any service fee, permit fee, late fee or suspension fee assessed under this article within ninety (90) days of the assessment.

(h) Reinstatement of response: the City may resume City emergency services response upon the alarm holder submitting satisfactory proof of compliance of one or more of the following:

(1) Proof the alarm system has been inspected and the City has been provided evidence of adequate measures to ensure the alarm system is in good working order. Measures taken may require the alarm user repair, upgrade or modify the alarm system to be compliant with this chapter.
(2) Proof the alarm user has been retrained on the use of the alarm system and procedures for contacting the alarm company in the case of false activation.
(3) The alarm user successfully completes an on-line alarm awareness class and test.
(4) All fees and fines are paid in full including the reinstatement fee of fifty ($50.00) dollars.

Sec. 13-36. Review of false alarm determinations.

The ASC shall, when requested by an alarm user, review the determination that an alarm was false. The ASC shall conduct such review only if the alarm user requests in writing such a review within ten (10) days of the date that the false alarm occurred. The written request for review of a false alarm determination by the ASC shall include the following information:

(1) Alarm user name;

(2) Address where alarm is installed;

(3) Date of contested false alarm;

(4) Alarm user permit number;

(5) Factual basis for review request.

Sec. 13-37. Service charge assessment for false alarms and reinstatement of alarm user permits.

(a) Three (3) or more false alarm days within any twelve (12) month period is excessive and constitutes a public nuisance.

(b) Civil penalties. The alarm user shall be assessed the following civil penalties based on the number of false alarm days in one year. The civil penalties are as follows:

3-5 false alarm days--$50.00

6th false alarm--$100.00

7th false alarm--$100.00

8th false alarm--$250.00

9th false alarm--$250.00

10th and over false alarm--$500.00

Sec. 13-38. Appeal.

(a) Any alarm user assessed a civil penalty or whose application for a permit has been denied, or whose permit has been revoked under this article may request, in writing,

a hearing with the police chief. In such a case, the notice of appeal shall be in writing and filed in the police chief's office within ten (10) days of the issuance of a final decision by the ASC. The police chief, or designee, shall schedule a hearing on the matter within a reasonable time from the date the notice of appeal is filed.

(b) Failure to perfect an appeal within the time and in the manner provided for in this section shall constitute a waiver of the right to appeal.

(Ord. No. 2951, § 1, 8-29-02)

Sec. 13-39. Notice and hearing.

Before the ASC revokes a permit pursuant to this article, or if an appeal is taken pursuant to section 13-32 from a decision of the ASC denying an application for a permit, the ASC shall cause a written notice to be sent by first class mail, return postage guaranteed, to the permittee or applicant affected, at the address stated on the permit or application thirty (30) days in advance of revocation or denial. This notice shall advise the affected party of a right to appear before the police chief, with or without legal counsel, at a stated time and place, for the purpose of presenting any evidence relevant to such revocation or denial, or for the purpose of hearing all evidence submitted and examine or cross-examining any person providing such evidence. The decision of the police chief shall be final. An administrative fee for each appeal to the police chief, in an amount set out in the City's fees and charges manual, will be assessed. Should the appeal be successful, the administrative fee shall be reimbursed to the alarm user.

(Ord. No. 2951, § 1, 8-29-02)

Sec. 13-40 Fee Schedule

Fee schedule set forth in the City's fees and charges manual.

Sec. 13-41 Alarm Business Duties

(a) Any person, firm, partnership, association or corporation engaged in the alarm business in the City of Asheville shall comply with the following:

(1) Obtain and maintain the required state, county and/or city license(s).
(2) Provide name, address, and telephone numbers of the alarm company license holder or a designee who can be called in an emergency, 24 hours a day; and be able to respond to an alarm call, when notified, within a reasonable amount of time.
(3) Be able to provide the most current contact information for the alarm user; and to contact a key holder for a response, if requested.
(4) Provide new and cancelled alarm sites in the format required by the City every thirty (30) days or upon request by the City.

(b) An alarm installation company and/or monitoring company that purchases alarm system accounts from another person shall notify the City of such purchase and provide details as may be requested by the City.

(1) Prior to activation of the alarm system, the alarm company must provide instructions explaining the proper operation of the alarm system to the alarm user. Ensure that all alarm users of alarm systems equipped with a duress, holdup or panic alarm are given adequate training as to the proper use of the duress, holdup or panic alarm.

(2) After completion of the installation of an alarm system, the alarm company employee shall review with the alarm user the customer false alarm prevention checklist approved by the City or its designated administrator. The alarm company employee shall complete, sign and date the alarm prevention checklist and maintain a copy for a period of two (2) years.

(3) An alarm company performing monitoring services shall:

(i) Attempt to confirm, by calling the alarm site and/or alarm user by telephone, to determine whether an alarm signal is valid before requesting dispatch. Telephone confirmation shall require, as a minimum, that a second call also known as Enhanced Call Confirmation (ECC), be made to a different number, if the first attempt fails to reach an alarm user who can properly identify themselves to attempt to determine whether an alarm signal is valid, EXCEPT in case of a fire, panic or robbery-in-progress alarm or in cases where a crime-in-progress has been verified as defined in ANSI/CSAA CS-V-01-2016 or an equivalent standard.

(ii) Provide alarm user registration number to facilitate dispatch and/or cancellations.

(iii) Communicate any available information about the location of the alarm.

(iv) Communicate a cancellation as soon as possible following a determination that response is unnecessary.

(c) Maintain for a period of at least one (1) year from the date of the alarm dispatch request, records relating to the alarm dispatch. Records must include name, address and telephone number of the alarm user, the alarm system zones activated, the time of alarm dispatch request and evidence of an attempt to verify the alarm. The alarm administrator may request copies of such records for individually named alarm users. If the request is made, the alarm monitoring company shall provide requested information within (10) business days of receiving the request.

2. If this ordinance or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given separate effect and to that end the provisions of this ordinance are declared to be severable. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

3. This ordinance shall become effective upon adoption.

Read, approved and adopted this 22nd day of June, 2021.

Magdalen Burleson
City Clerk

Esther E. Marks
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

328

ORDINANCE NO. 4385 / 4885

ORDINANCE AMENDING THE FISCAL YEAR 2021-22 FEES & CHARGE MANUAL

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The Fiscal Year 2021-22 Fees & Charges Manual be amended as follows:

New Fee Schedule (Sec. 13-40):

- **Alarm System Permit Fee: $25.00**
- **Alarm System Annual Renewal Fee $10.00**
- **Late Fee after 30 days $25.00**
- **Appeal Hearing Fee $50.00 (reimbursed if appeal is upheld)**
- **Reinstatement of response fee $50.00**

That this amendment shall be in full force and effective upon adoption.

Read, approved and adopted this 22nd day of June, 2021.

Magdalen Bauleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bauleson
City Clerk

ORDINANCE NO. 4386 14886

AN ORDINANCE ADOPTING THE ANNUAL BUDGET AND FIXING THE TAX RATE FOR THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 2021-22.

WHEREAS, Article 3 of Chapter 159 of the N. C. General Statutes requires local governments in North Carolina to adopt ordinances establishing an annual budget, in accordance with procedures specified in said Article 3; and

WHEREAS, the Asheville City Council, following a public hearing as required by law has considered the proposed annual budget for the City of Asheville for the 2021-22 fiscal year;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The following anticipated revenues and authorized expenditures by fund, together with a financial plan for internal service funds, are hereby appropriated for operating City government for the fiscal year beginning July 1, 2021 and ending June 30, 2022.

GENERAL FUND

Revenues:		
Taxes – Ad Valorem	$78,512,370	
Other Taxes	32,548,276	
Intergov. Revenue	12,634,744	
Licenses and Permits	5,385,295	
Sales and Services	12,097,770	
Investment Earnings	623,000	
Miscellaneous Revenue	2,758,641	
Other Financing Sources	673,457	
Total Revenues		$145,233,553
Appropriations:		
Departmental Operations		$145,233,553

WATER RESOURCES FUND

Revenues:		
Sales and Services	$36,285,312	
Investment Earnings	400,000	
Miscellaneous Revenue	50,000	
Total Revenues		$36,735,312
Appropriations:		
Water Resources Operations		$36,735,312

PARKING SERVICES FUND

Revenues:		
Sales and Services	$120	
Investment Earnings	42,420	
Miscellaneous Revenue	7,035,140	
Total Revenues		$7,077,680
Appropriations:		
Parking Services Operations		$7,077,680

STORMWATER FUND

Revenues:		
Licenses and Permits	$398,000	
Sales and Services	6,162,069	
Investment Earnings	8,773	
Miscellaneous Revenue	11,500	
Other Financing Sources	200,000	
Total Revenues		$6,780,342
Appropriations:		
Stormwater Operations		$6,780,342

TRANSIT SERVICES FUND

Revenues:		
Intergov Revenue	$3,811,302	
Licenses and Permits	350,000	
Sales and Services	512,200	
Other Financing Sources	8,493,807	
Total Revenues		$13,167,309
Appropriations:		
Transit Services Operations		$13,167,309

HARRAH'S CHEROKEE CENTER - ASHEVILLE FUND

Revenues:		
Sales and Services	$3,092,474	
Investment Earnings	50,000	
Miscellaneous Revenue	179,000	
Other Financing Sources	1,204,420	
Total Revenues		$4,525,894

Appropriations:		
HCCA Operations		$4,525,894

STREET CUT UTILITY FUND

Revenues:		
Sales and Services	$1,752,618	
Miscellaneous Revenue	60	
Other Financing Sources	100,000	
Total Revenues		$1,852,678
Appropriations:		
Street Cut Operations		$1,852,678

HOUSING PARTNERSHIP FUND (GENERAL FUND)

Revenues:		
Miscellaneous Revenue	$152,400	
Other Financing Sources	500,000	
Total Revenues		$652,400
Appropriations:		
Housing Partnership Fund Operations		$652,400

SUSTAINABILITY FUND

Revenues:		
Other Financing Sources	$779,460	
Total Revenues		$779,460
Appropriations:		
Sustainability Fund Operations		$779,460

INTERNAL SERVICES FUNDS

Revenues:		
Sales and Services	$ 9,822,461	
Investment Earnings	60,000	
Miscellaneous Revenue	1,272,672	
Other Financing Sources	945,135	
Total Revenues		$22,100,268

Appropriations:		
Health Insurance	$17,795,128	
Workers Compensation	1,656,000	
Property and Liability	2,649,140	
Total Expenditures		$22,100,268

CAPITAL 2100 FUND (GENERAL FUND)

Revenues:		
Other Financing Sources	$15,287,249	
Total Revenues		$15,287,249
Appropriations:		
Capital 2100 Fund Operations		$15,287,249

Section 2. All appropriations included in the following Capital Project funds and other multi-year funds are approved for the financing life of each project, which may extend beyond one fiscal year.

GENERAL CAPITAL PROJECTS FUND

Revenues:		
Intergovernmental Revenue	$56,000	
Sales and Services	275,000	
Miscellaneous Revenue	25,000	
Other Financing Sources	16,625,499	
Total Revenues		$16,981,499
Appropriations:		
General Capital Fund Expenditures		$16,981,499

WATER CAPITAL PROJECTS FUND

Revenues:		
Transfer from Water Resources Fund	$12,505,961	
Other Financing Sources	20,000,000	
Total Revenues		$32,505,961
Appropriations:		
Water Capital Fund Expenditures		$32,505,961

TRANSIT SERVICES MULTI-YEAR FUND

Revenues:		
Intergovernmental Revenue	$290,925	
Other Financing Sources	1,000,000	
Total Revenues		$1,290,925
Appropriations:		
FY20 JARC (Section 5307) Grant	$81,704	
FY20 Section 5310 Grant	209,221	
Transit Bus Purchases	1,000,000	
Total Transit Multi-Year Fund Expenditures		$1,290,925

STORMWATER CAPITAL PROJECTS FUND

Revenues:		
Transfer from Stormwater Fund	$229,777	
Other Financing Sources	3,531,223	
Total Revenues		$3,761,000
Appropriations:		
Stormwater Capital Fund Expenditures		$3,761,000

PARKING CAPITAL PROJECTS FUND

Revenues:		
Transfer from Parking Operating Fund	$500,000	
Total Revenues		$500,000
Appropriations:		
Parking Capital Fund Expenditures		$500,000

HARRAH'S CHEROKEE CENTER - ASHEVILLE CAPITAL PROJECTS FUND

Revenues:		
Miscellaneous Revenue	$540,000	
Other Financing Sources	129,692	
Total Revenues		$669,692

Appropriations:		
HCCA Capital Fund Expenditures		$669,692

COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUND

Revenues:		
Federal Grant FY 2021-22	$1,053,291	
Program Income	100,000	
Total Revenues		$1,153,291
Appropriations:		
Total CDBG Program Expenditures		$1,153,291

HOME OWNERSHIP GRANT (HOME) FUND

Revenues:		
Federal Grant FY 2021-22	$1,296,760	
Program Income	74,000	
Total Revenues		$1,370,760
Appropriations:		
Total HOME Program Expenditures		$1,370,760

SPECIAL REVENUE FUND

Revenues:		
Intergovernmental Revenue	$140,516	
Total Revenues		$140,516
Appropriations:		
Continuum of Care Grant (HMIS)	$110,516	
PEG Funding	30,000	
Total Appropriations		$140,516

Section 3. It is estimated that revenues in the amounts indicated in the foregoing schedule will be available to support the foregoing appropriations. The fees & charges, as readopted and changed on May 11, 2021 in ordinance numbers 4372, 4373, and 4374, shall be set forth in a Fees and Charges Manual to be kept on file in the Office of the City Clerk.

Section 4. There is hereby levied for the fiscal year ending June 30, 2022, an Ad Valorem tax rate of $0.403 per $100 assessed valuation of taxable property as listed on January 1, 2021 for purposes of raising the revenues from current year's property tax as set forth in the foregoing estimates of revenues and in order to finance the foregoing appropriations.

Section 5. The City Manager is authorized to revise the budget by transfer of appropriations within each fund. All amendments affecting revenues or total fund appropriations shall be approved by ordinance by the City Council, to be acted on at any regular or special meeting and approved by a simple majority of those present and voting, a quorum being present. Only one reading will be required and a public hearing or publication of notice is not necessary unless requested by Council.

Section 6. The reserve for encumbrances at June 30, 2021 and carry-over appropriations, representing prior commitments as of that date shall be re-appropriated pursuant to North Carolina General Statute 159-13, to the departments within various funds, under which expenditures may be made during fiscal year 2021-22 as the previous commitments are satisfied.

Section 7. Copies of this ordinance shall be furnished to the City Manager and Director of Finance, to be kept on file by them for their direction in the collection of revenues and expenditures of amounts appropriated.

Section 8. The Pay & Classification Plan is amended to incorporate all personnel actions such as reclassifications and pay modifications recommended by the Human Resources department and approved by the City Manager. Funding for the Plan and compensation items is included in the various departments. The amended plan will become effective with the pay cycle that ends on July 9, 2021.

Section 9. Base pay for the Mayor, Vice-Mayor and Councilmembers will be $23,470, $19,478, and $17,243, respectively. Travel for official activities will be reimbursed under the same plan used for City employees.

Section 10. Should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of said ordinance shall not be affected thereby.

Section 11. That this ordinance shall be in full force and effect upon date of final passage.

Read, approved and adopted this 22nd day of June, 2021.

Magdalen Burleson
City Clerk

Eston E. Mark
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

336

ORDINANCE NO. 4387 / 14887

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Fiscal Year 2021-22 Budget Ordinance be amended to add an appropriation of $855,230 and amend the Special Revenue Fund as follows:

SPECIAL REVENUE FUND

Revenues:

Federal Revenue Distribution - ARPA	$855,230
Total Revenues	$855,230

Appropriations:

Contracted Services	$855,230
Total Appropriations	$855,230

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this the 27th day of July 2021.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

ORDINANCE NO. 4388 /4888

ORDINANCE ESTABLISHING CONDITIONAL ZONING FOR PROPERTY LOCATED AT 66 LONG SHOALS ROAD

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this rezoning is also deemed an amendment to the Future Land Use Map changing this parcel from Urban Center to Employment / Anchor Institution; and

WHEREAS, this proposed amendment is consistent with the *Living Asheville - A Comprehensive Plan for our Future* and is determined to be reasonable, and in the public interest for the following reasons:

a) Supports infill development in areas targeted for growth;
b) Provides housing units in proximity to transit, schools, and parks, and;
c) Supports city goals for affordable housing.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

The zoning classification of that certain real property described in Exhibit A and identified on Buncombe County tax maps as a portion of PIN 9644-79-7882, and recorded in Deed Book 5524, Page 181, and currently owned by Virginia Sawallis Schmidt Trust, from Institutional (INST) to Residential Expansion - Conditional Zone (RES EXP - CZ). A copy of the official zoning map showing said lots is attached hereto as Exhibit "A.1" and made a part hereof. Said rezoning is subject to the conditions set out in Exhibit "E", and substantially compliant with the site plan(s) and elevations as shown on Exhibit D attached hereto and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. The ordinances shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 5. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 27th day of July, 2021.

Magdalen Burleson
City Clerk

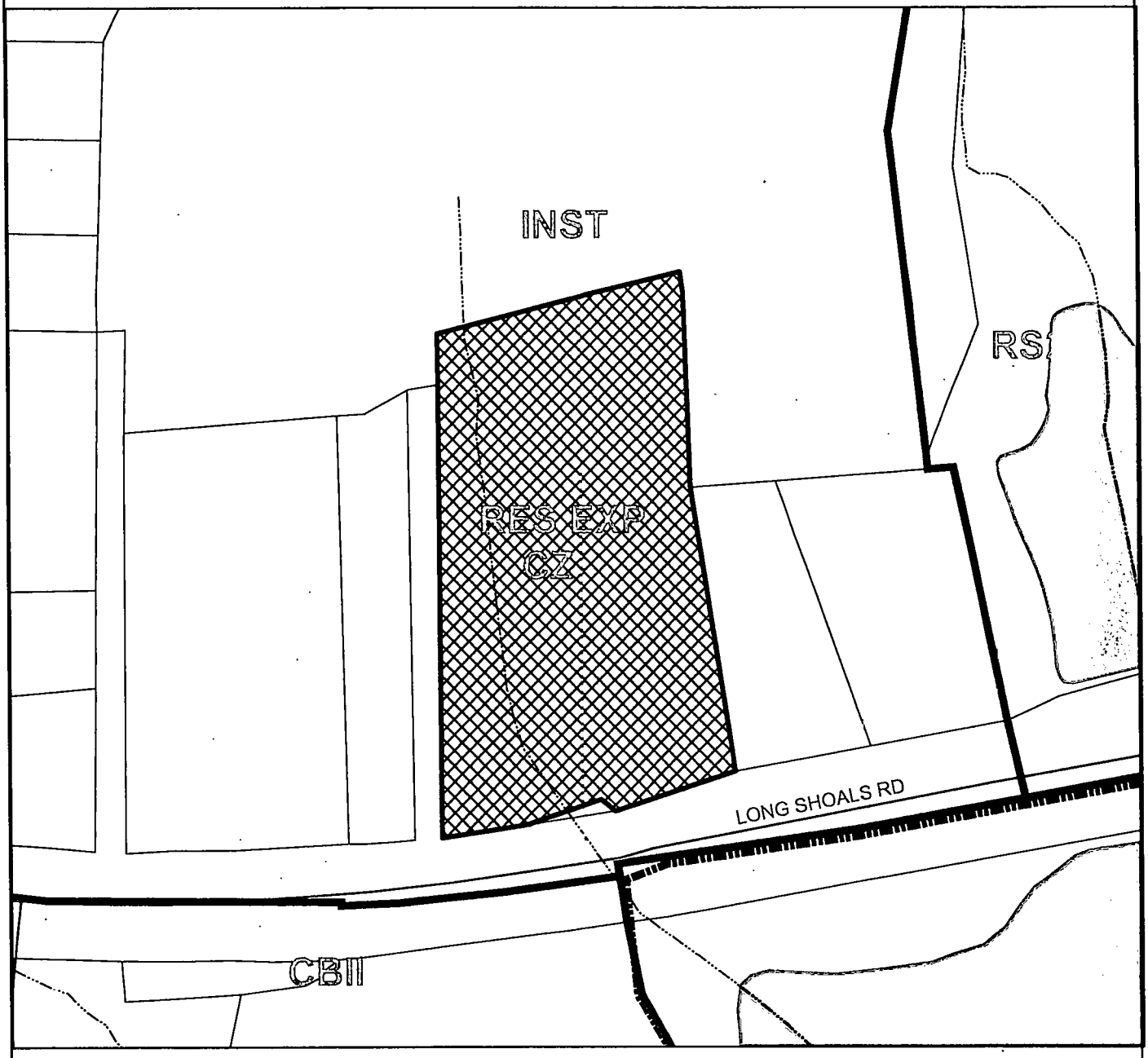
Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

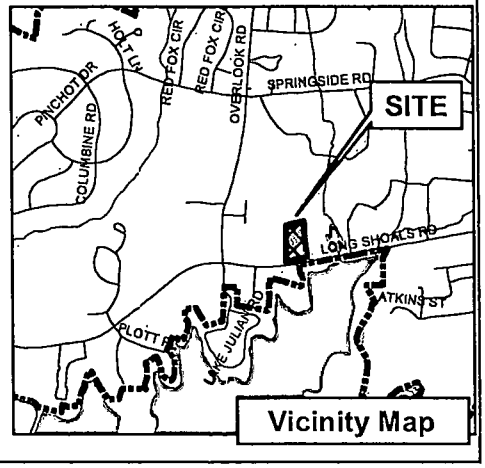
Magdalen Burleson
City Clerk

City of Asheville
Exhibit A1 Map - Proposed Zoning
Conditional Rezoning Petition - 66 Long Shoals Rd.



Prcject Name: 66 Long Shoals CZ
Prcject Number: 21 - 02632 PZ
Prcject Description: CZ from INST to RES EXP - CZ
Petitioner(s): Warren Sugg
Parcel ID Number(s): 9644-79-7882

Location/Address: 66 Long Shoals Rd.



Project Site
Zoning Districts
Parcels
Streets
Asheville City Limits
River Areas

City of Asheville Planning and Urban Design Department - February 2020

EXHIBIT E - PROJECT CONDITIONS
66 Long Shoals

July 19, 2021

1. The property included in the rezoning is shown on the site plan and is identified on the Buncombe County tax map as PIN 9644-79-7882 and is 2.85 acres.

2. Pursuant to this ordinance, the entire subject property is rezoned to a Residential Expansion - Conditional Zone (RES-EXP CZ), but approval is limited to the proposed expansion described herein.

3. The Project will include a maximum of 87 new multi-family units within 2 buildings, surface parking, detached garage parking, and sidewalk connections to and throughout the property. A minimum of 43,500 square feet (500 square feet per unit) of common open space is proposed, and will include limited park amenities (benches). Portions of the open space areas will be less than 24' in width.

4. New building construction includes two multi-family apartment buildings with Building A proposed as a 3/4 split (3 stories on one side and four stories on another) that is not to exceed 45 feet in overall height, while Building B is proposed as a 4/5 split (4 stories on one side and five stories on another) and is not to exceed 57 feet in overall height.

5. Affordable housing is included in the Project:
   a. A minimum of twenty percent of the total number of units (17 units) will be designated affordable to those earning 80% of Area Median Income (AMI) for a minimum period of 20 years from final completion of the development.
   b. Nine of the 17 units will also accept HUD vouchers.
   c. The rent and income limits will follow the Affordable Housing Standards determined annually by the City of Asheville Community Development Department.
   d. An Affordable Housing Deed Restriction will be provided by the City and will be filed and recorded by the property owner in the Buncombe County Register of Deeds prior to the project receiving final zoning permit.
   e. the Project is applying for LUIG program assistance

6. The project has a minimum 125 new parking spaces as shown within the surface parking lot and garage buildings.

7. Setbacks for the project will comply with the RES EXP setback standards.

8. All required landscape plantings are included. Tree canopy preservation requirements will also be satisfied as required by Article XIX of the Unified Development Ordinance ("UDO").

9. Sidewalks:

a. The Project has an existing 5' sidewalk with grass strip along Long Shoals Road (NC 146) that will remain.
b. The Project proposes an 8' sidewalk through the project that connects from the street frontage to Building B (on the north enc of the site).
c. The Project proposes 5' minimum internal sidewalks (6' minimum along the back of curb).
d. If the Buncombe County Board of Education approves such a connection, the project will provide a pedestrian connection to the adjacent TC Roberson High School to encourage the comprehensive plan goal for safe routes to schools.

10. The Project proposes a single vehicular access from Long Shoals Road (NC 146). This driveway connection will be a paved street-type driveway (no concrete apron).

11. Signage shall be permitted separately and shall be limited to no more than one ground mounted sign at the entrance. Maximum sign dimensions include a height not to exceed six feet and a sign face not to exceed 16 square feet, with a minimum setback of 10 feet.

12. Except as modified herein, the Project shall comply with all conditions outlined in the May 3, 2011 TRC Staff Report.

13. The Project will undergo final review by the TRC prior to issuance of any permits. Compliance with the items listed above will be required at that time except as allowed by the City Code.

14. All proposed site and exterior building lighting must meet the outdoor lighting requirements found in UDO Sec. 7-11-10.

15. The building design, site design and orientation on site must substantially comply with the approved site plan and elevations which are incorporated herein by reference.

16. All applicable required local, state, and federal permits and approvals must be obtained prior to initiation of construction.

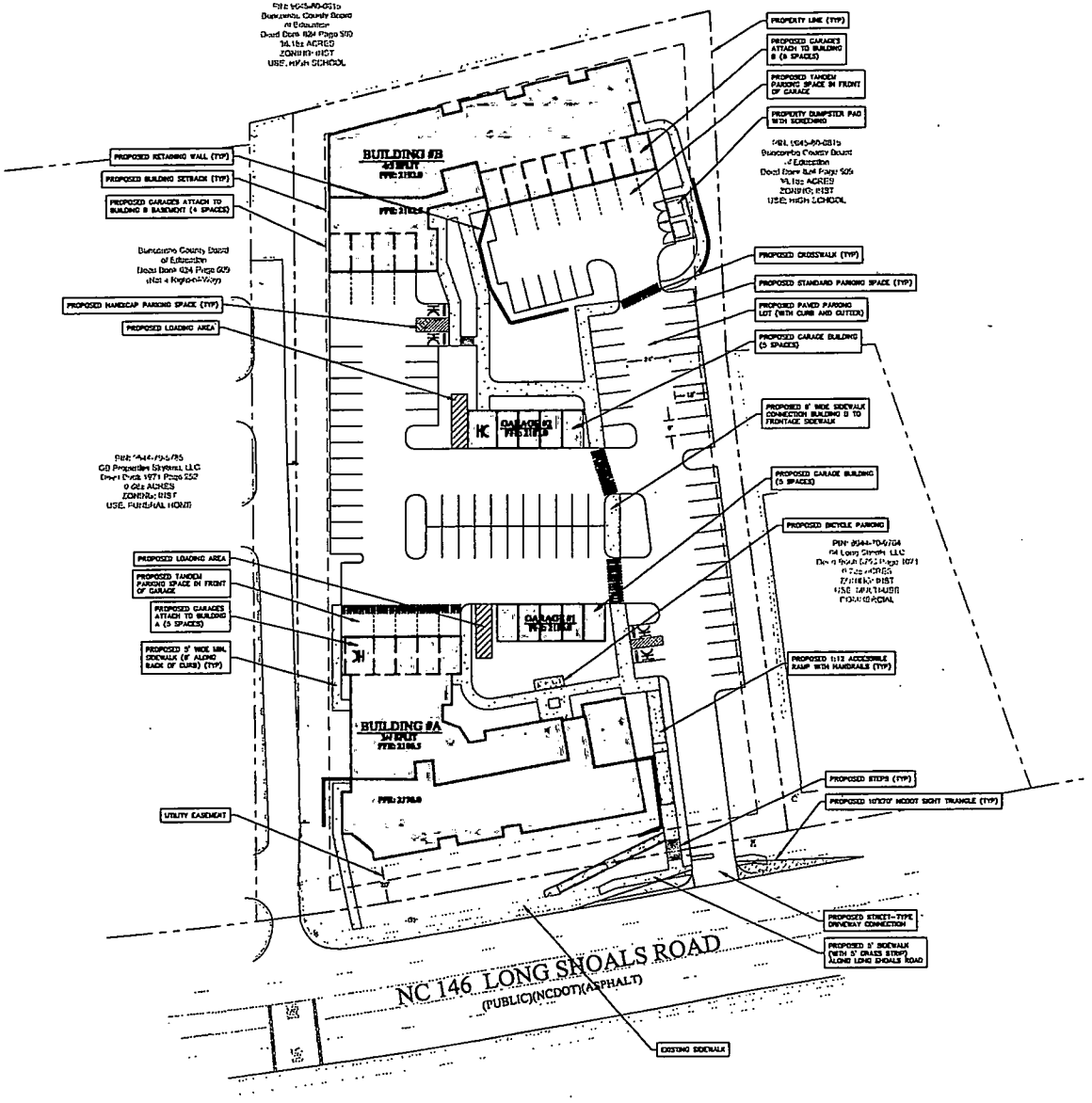
17. The conditional zoning will be valid for two years from the date of approval by City Council with building permits applied for within this 24-month period. Failure to apply for building permits within this time frame shall render the approval null and void.

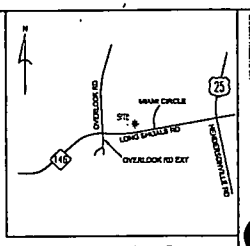
Agreed to and Accepted this 27th Day of July by the Property Owner/Applicant:

_____

Owner/Applicant Signature

342





VICINITY MAP

(NOT TO SCALE)

DEVELOPMENT DATA

OWNER/DEVELOPER:	MILESTONE MANAGEMENT, LLC 9800 WESTPOINT DRIVE INDIANAPOLIS, IN 46256
CONTACT:	ADRION DAMMEMILLER (317) 523-8484
CIVIL ENGINEER:	CIVIL DESIGN CONCEPTS, P.A. 168 PATTON AVENUE ASHEVILLE, NC 28801
CONTACT:	WARREN BUCO, P.E. (828) 253-3398
SURVEYOR:	ED HOLMES AND ASSOCIATES 300 HOOPFIELD CT #301 ASHEVILLE, NC 28806
CONTACT:	MARTIN A. BARNES, P.L.S. (828) 225-4562
ARCHITECT:	STUDIO M ARCHITECTURE & PLANNING 2 W MAIN STREET CARMEL, IN 46032
CONTACT:	MICHAEL JOHNSON, R.A. (317) 810-1502

PROJECT DATA

PIN:	9644-79-7982
ADDRESS:	66 LONG SHOALS ROAD
DEED BOOK/PAGE:	5534/181
SITE ACREAGE:	3.83 ACRES
EXISTING ZONING:	RST
PROPOSED ZONING:	RES CMP

SETBACKS:	EXISTING	PROPOSED
FRONT:	15'	15'
SIDE:	10'	15'
REAR:	10'	15'

DISTURBED AREA: 2.7 AC

PARKING CALCULATIONS:

VEHICULAR: RESIDENTIAL

1-3 BEDROOM = MIN 1 SPACE/UNIT; MAX = 2 SPACE/UNIT

3+ BEDROOM = MIN 2 SPACE/UNIT; MAX = 3 SPACE/UNIT

	MINIMUM	MAXIMUM
18 STUDIO UNITS	18	36
28 ONE BEDROOM UNITS	28	56
38 TWO BEDROOM UNITS	38	76
3 THREE BEDROOM UNITS	6	9
TOTAL SPACES REQUIRED:	90	177

SPACES PROVIDED: 125

(INCLUDES 27 GARAGE SPACES AND 17 TANDEM SPACES)

HANDICAPPED SPACES:

SPACES REQUIRED: 5 SPACES PROVIDED: 6 (INCL. 2 GARAGE)

BICYCLE:

MINIMUM REQUIRED: 7 AMOUNT PROVIDED: 8

BUILDING DATA:

BUILDING	DESCRIPTION:	HEIGHT:	GFA
A	1 BR APARTMENTS	4.5'	43,942 SF
B	1 BR APARTMENTS	5.5'	46,374 SF
GARAGE #1	3-CAR GARAGE	1.5'	2,800 SF
GARAGE #2	3-CAR GARAGE	1.5'	2,800 SF
		TOTAL GFA:	95,116 SF

DENSITY:

ZONING DENSITY ALLOWED: 30 U/AC (WITH 20% AFFORDABLE)

MAXIMUM UNITS: 142

PROPOSED UNITS: 67

IMPERVIOUS CALCULATIONS:

	IMPERVIOUS	POROUS
PRE-DEVELOPMENT:	0.37 ACRES (09%)	3.46 ACRES (91%)
POST-DEVELOPMENT:	1.48 ACRES (32%)	1.37 ACRES (43%)

OPEN SPACE CALCULATIONS:

REQUIRED: 43,500 SF (500SF/UNIT) PROVIDED 43,500 SF

CDC INSPECTIONS HOTLINE:

828-771-4733 OR INSPECTION@CDCCO.COM

811 Know what's below. Call before you dig.

NORTH

SITE PLAN

GRAPHIC SCALE

(IN FEET)
1 inch = 30 ft.

CDC Civil Design Concepts, PA

168 PATTON AVENUE ASHEVILLE, NC 28801 828-253-3398 FAX (828) 258-0223

18 WALNUT STREET - SUITE B WATERVILLE, ME 04915 207-873-7110 FAX (207) 873-4202

www.civildesignconcepts.com

NC FIRM LICENSE # C-2194

NO.	DATE	DESCRIPTION	BY
1	01/07/2021	CITY OF ASHEVILLE CZ SUBMITTAL	JJO

FOR REVIEW ONLY

PRELIMINARY NOT RELEASED FOR CONSTRUCTION

SITE PLAN FOR:

66 LONG SHOALS

MILESTONE MANAGEMENT, LLC - ASHEVILLE, NORTH CAROLINA

DRAWN BY: JJO

CDC PROJECT NO.: 12103

SHEET

C201

Exhibit D 1 of 4

LANDSCAPING NOTES

1. ALL LANDSCAPING SHALL BE IN ACCORDANCE WITH ALL CITY OF ASHEVILLE REGULATORY STANDARDS AND ALL REQUIREMENTS IN THE PROJECT TECHNICAL SPECIFICATIONS. CONSULT ENGINEER TO FIELD ADJUST LANDSCAPING AS NECESSARY.
2. THE CONTRACTOR IS TO NOTIFY ALL UTILITY COMPANIES AT LEAST 72 HOURS BEFORE CONSTRUCTION ACTIVITY IS TO BEGIN. THE CONTRACTOR SHALL NOTIFY NC ONE CALL AT 1-800-632-4949 OR 811, 72 HOURS BEFORE CONSTRUCTION BEGINS.
3. STREET TREE SPECIES WITHIN RIGHT-OF-WAY TO BE COORDINATED WITH CITY OF ASHEVILLE ARBORIST.
4. ALL GROUND COVER TO BE MULCH PER CITY OF ASHEVILLE PERMANENT SEEDING RECOMMENDATIONS.
5. TREES AND SHRUBS TO COMPLY WITH CDA UDO AS FOLLOWS:
   - LARGE-MATURING DECIDUOUS TREE:
     GREATER THAN 35' AT MATURITY. MINIMUM PLANTING SIZE SHALL BE TWO INCHES CALIPER AND 12' TO 14' HEIGHT.
   - SMALL-MATURING DECIDUOUS TREE:
     SMALLER THAN 35' AT MATURITY. MINIMUM PLANTING SIZE SHALL BE AT LEAST 1 1/2 INCH CALIPER OR 8' TO 10' HEIGHT.
   - EVERGREEN TREE:
     MINIMUM HEIGHT OF 6' AT TIME OF PLANTING.
   - LARGE SHRUB:
     MINIMUM 3 GALLON CONTAINER OR TEN-INCH ROOT BALL WITH A HEIGHT OF 24 INCHES AT PLANTING TIME.
   - SMALL SHRUB:
     MINIMUM 3 GALLON CONTAINER OR EIGHT-INCH ROOT BALL WITH A HEIGHT OF 18 INCHES AT PLANTING TIME.
6. DUE TO EXISTING TREES WITHIN THE REQUIRED LANDSCAPE BUFFER AREAS AND THROUGHOUT THE SITE, THE FINAL NUMBER OF TREES AND SHRUBS REQUIRED AND PROVIDED WILL BE BY AGREEMENT WITH THE CITY OF ASHEVILLE PLANNING DEPARTMENT BASED UPON AN ON-SITE INVENTORY.
7. LANDSCAPE CONTRACTOR MUST COORDINATE THE LOCATION OF THE TREES TO AVOID EXISTING AND PROPOSED SEWER/WATER LINES AND SEWER/WATER LINE EASEMENTS. NO TREES ARE ALLOWED TO BE PLANTED IN SUCH EASEMENTS.
8. THE OWNER / CONTRACTOR SHALL SELECT ALL PROPOSED PLANTINGS FROM THE RECOMMENDED SPECIES LIST IN THE CITY OF ASHEVILLE'S CURRENT UNIFIED DEVELOPMENT ORDINANCE (UDO). IT IS RECOMMENDED THE OWNER / CONTRACTOR VERIFY SELECTIONS FOR SUITABILITY WITH A QUALIFIED LANDSCAPE ARCHITECT PRIOR TO PLANTING

PLANTING SUMMARY:

STREET TREES (ST)

REQUIREMENTS: (PER 35 LF OF FRONTAGE)
1 SMALL MATURING TREE

LONG SHOALS ROAD: FRONTAGE:	274 LF
TREES REQUIRED:	8
TREES PROVIDED:	8

VEHICULAR USAGE LANDSCAPE AREA (VUA)

REQUIREMENTS: (PER 1300 SF OF VUA)
1 LARGE DECIDUOUS TREE AND 4 SHRUBS

TOTAL VUA:	37,478 SF
TREES REQUIRED:	25
TREES PROVIDED:	53
TREE CREDITS APPLIED:	3 (3 TREE)
SHRUBS REQUIRED:	100
SHRUBS PROVIDED:	100

BUILDING IMPACT LANDSCAPE AREA (BI)

REQUIREMENTS: (PER 1000 SF OF BI)
1 DECIDUOUS TREE AND 2 SHRUBS

TOTAL BI:	27,948 SF
TREES REQUIRED:	28
TREES PROVIDED:	0
TREE CREDITS APPLIED:	31 (10 TREES)
SHRUBS REQUIRED:	56
SHRUBS PROVIDED:	56

NOTE: DETAILED SHRUB PLANS TO BE PROVIDED AT EACH PHASE OF DEVELOPMENT

LEGEND

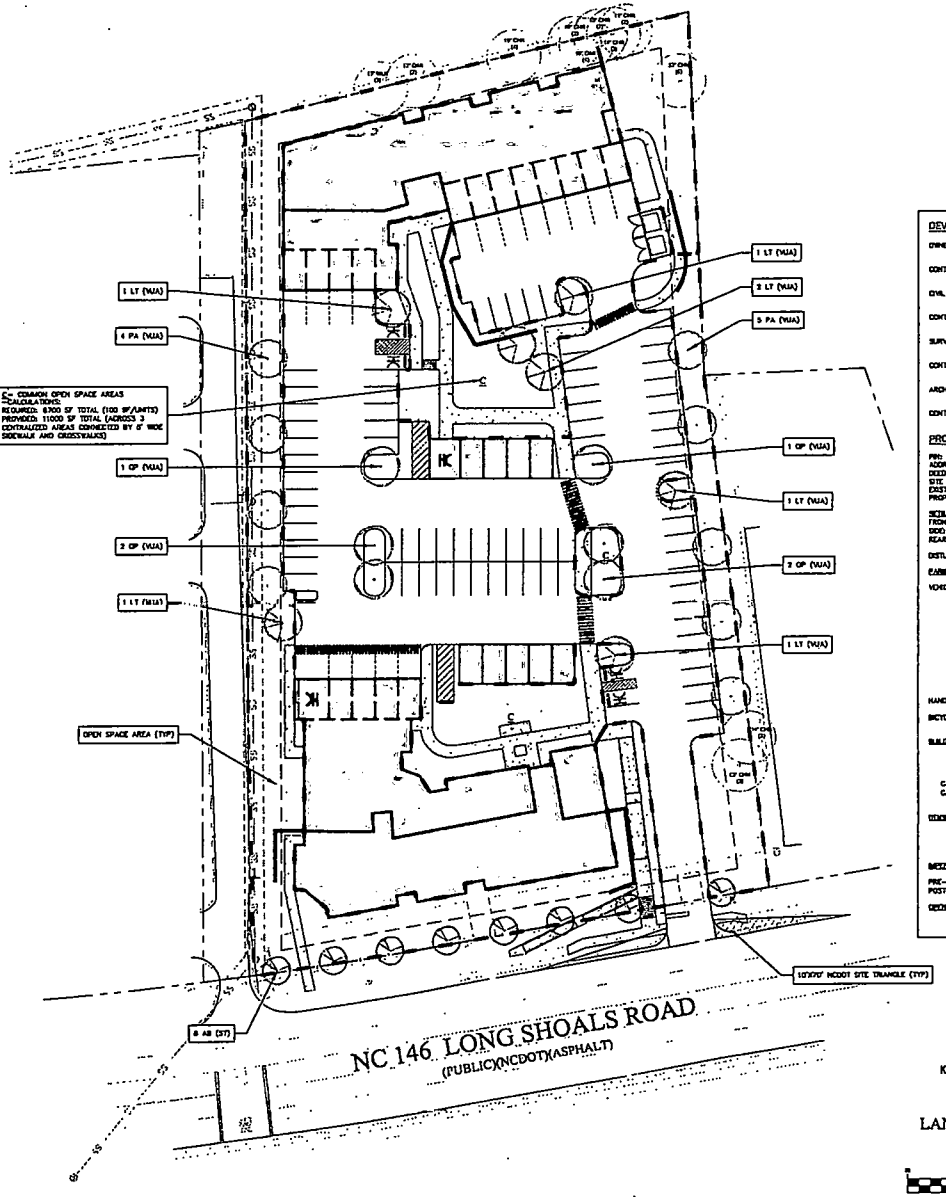
SPECIES (# CREDITS) — TREE CREDIT TREE

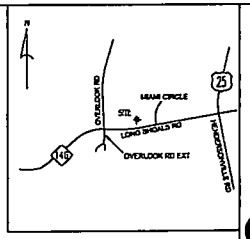
SPECIES ABBREVIATIONS	
CHR	CHERRY
CHN	CHESNUT
OAK	OAK
WLN	WALNUT

PROPOSED PLANT SCHEDULE *

KEY	QTY	BOTANICAL NAME	COMMON NAME	SIZE	REMARKS	CDA UDO CLASSIFICATION
TREES						
AB	8	ACER BUERGERIANUM	TRIDENT MAPLE	1.5" CAL./8' HT.	B&B	SMALL DECIDUOUS TREE
LT	7	LIRIODENDRON TULIPIFERA	TULIP TREE	2" CAL./12' HT.	B&B	LARGE DECIDUOUS TREE
PA	9	PLATANUS X ACERIFOLIA	LONDON PLANE TREE	2" CAL./12' HT.	B&B	LARGE DECIDUOUS TREE
OP	9	QUERCUS PHELLOS	WILLOW OAK	1.5" CAL./8' HT.	B&B	SMALL DECIDUOUS TREE

*SUBSTITUTION OF SPECIES TO BE APPROVED BY ENGINEER
*A DIVERSE PLANT LIST IS RECOMMENDED SO THAT NO ONE SPECIES GETS OVER PLANTED AND TO ELIMINATE WIDE SPREAD DISEASE BETWEEN LIKE SPECIES.





VICINITY MAP
(NOT TO SCALE)

DEVELOPMENT DATA

OWNER/DEVELOPER:	MILESTONE MANAGEMENT, LLC 8600 WESTPOINT DRIVE INDIANAPOLIS, IN 46256
CONTACT:	ADRIEN DAVENDRALLER (317) 525-9464
CIVIL ENGINEER:	CIVIL DESIGN CONCEPTS, P.A. 168 PATTON AVENUE ASHEVILLE, NC 28801
CONTACT:	RUSSELL GUDE, P.E. (828) 251-5388
SURVEYOR:	ED HOLMES AND ASSOCIATES 300 HEDGEFIELD CT #301 ASHEVILLE, NC 28806
CONTACT:	MARTIN A. BARNES, P.L.S. (828) 225-6342
ARCHITECT:	STUDIO M ARCHITECTURE & PLANNING 3 W MAIN STREET CARMEL, IN 46032
CONTACT:	MICHAEL JOHNSON, R.A. (317) 810-1902

PROJECT DATA

PIN:	8844-79-7862
ADDRESS:	66 LONG SHOALS ROAD
DEED BOOK/PAGE:	5534/181
SITE ACREAGE:	2.85 ACRES
EXISTING ZONING:	RST
PROPOSED ZONING:	RCS CDP

SETBACKS:	EXISTING:	PROPOSED:
FRONT:	15'	15'
SIDE:	10'	15'
REAR:	10'	15'

DISTURBED AREA: 2.7 AC

PARKING CALCULATIONS:

VEHICULAR: RESIDENTIAL
1 SPACE/STUDIO = MIN 1 SPACE/UNIT; MAX = 2 SPACE/UNIT
1 BEDROOM = MIN 1 SPACE/UNIT; MAX = 2 SPACE/UNIT
2 BEDROOM = MIN 2 SPACE/UNIT; MAX = 3 SPACE/UNIT

	MINIMUM	MAXIMUM
18 STUDIO UNITS	18	36
38 ONE BEDROOM UNITS	38	76
35 TWO BEDROOM UNITS	35	70
3 THREE BEDROOM UNITS	6	6
TOTAL SPACES REQUIRED	80	177

SPACES PROVIDED: 125
(INCLUDES 27 GARAGE SPACES AND 17 TANDEM SPACES)

HANDICAPPED SPACES:
SPACES REQUIRED: 3 — SPACES PROVIDED: 6 (INCL. 2 GARAGE)

BICYCLE:
MINIMUM REQUIRED: 7 — AMOUNT PROVIDED: 8

BUILDING DATA:

BUILDING:	DESCRIPTION:	HEIGHT:	GFA:
A	2 MF APARTMENTS	45'	43,942 SF
B	2 MF APARTMENTS	57'	43,374 SF
GARAGE #1	3-CAR GARAGE	15'	2,800 SF
GARAGE #2	3-CAR GARAGE	15'	2,800 SF
		TOTAL GFA:	88,116 SF

DENSITY:
ZONING DENSITY ALLOWED: 50 U/AC (WITH 20% AFFORDABLE)
MAXIMUM UNITS: 142
PROPOSED UNITS: 87

IMPERVIOUS CALCULATIONS:

	IMPERVIOUS	PERVIOUS
PRE-DEVELOPMENT:	0.27 ACRES (09%)	2.58 ACRES (91%)
POST-DEVELOPMENT:	1.48 ACRES (52%)	1.37 ACRES (48%)

OPEN SPACE CALCULATIONS:
REQUIRED: 43,560 SF (500SF/UNIT) — PROVIDED 43,500 SF

CDC INSPECTIONS HOTLINE:
828-771-4733 OR INSPECTION@CDCCO.COM

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NORTH

LANDSCAPE COMPLIANCE PLAN

GRAPHIC SCALE
(IN FEET)
1 inch = 30 ft.

FOR REVIEW ONLY

PRELIMINARY NOT RELEASED FOR CONSTRUCTION

NO.	DATE	DESCRIPTION	BY
1	11/01/2021	CITY OF ASHEVILLE 1ST SUBMITTAL	

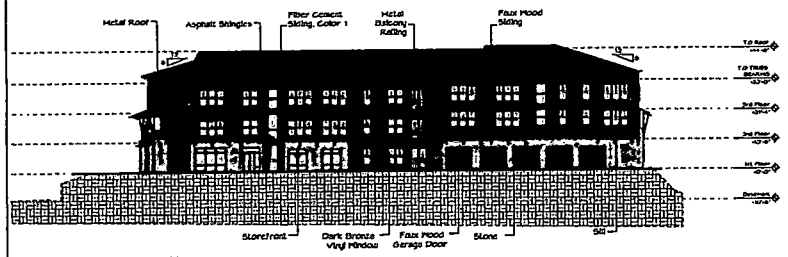
CDC Civil Design Concepts, PA
168 PATTON AVENUE ASHEVILLE, NC 28801
PHONE 828-251-5388 FAX 828-251-5389
www.civildesignconcepts.com
NC BOARD OF ENGINEERING EXAMINERS
168 PATTON AVENUE ASHEVILLE, NC 28801
PHONE 828-251-5388 FAX 828-251-5389
NC BOARD OF LICENSING FOR GENERAL CONTRACTORS
1400 BLUE RIDGE ROAD RALEIGH, NC 27607
PHONE 919-571-4183 FAX 919-571-4183
BUSINESS LICENSE #: C-2184

LANDSCAPE COMPLIANCE PLAN FOR:
66 LONG SHOALS
MILESTONE MANAGEMENT, LLC - ASHEVILLE, NORTH CAROLINA

DRAWN BY: ARP
CDC PROJECT NO.: 12103

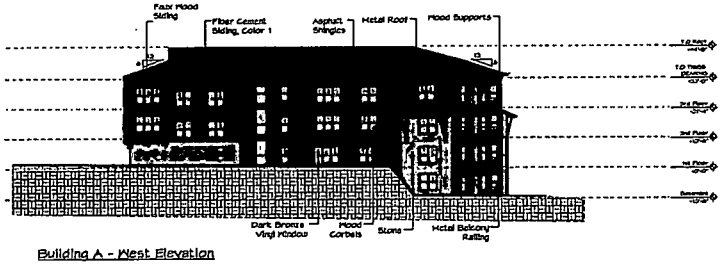
SHEET
L101

Exhibit D
2 of 4
343



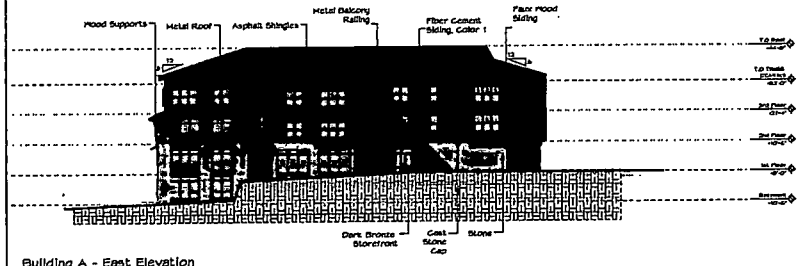
Building A - North Elevation

Scale: 1" = 20' 0' 10' 20'



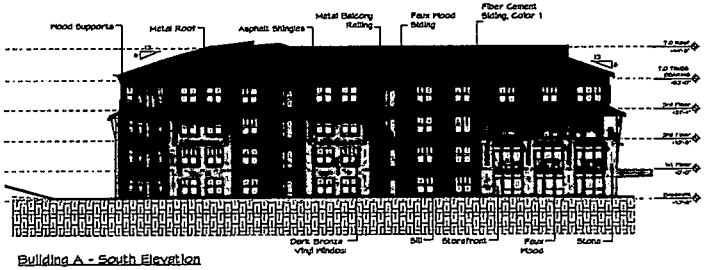
Building A - West Elevation

Scale: 1" = 20' 0' 10' 20'



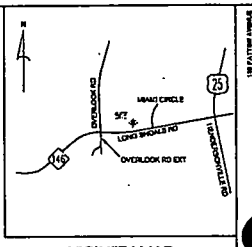
Building A - East Elevation

Scale: 1" = 20' 0' 10' 20'



Building A - South Elevation

Scale: 1" = 20' 0' 10' 20'



VICINITY MAP

(NOT TO SCALE)

DEVELOPMENT DATA

OWNER/DEVELOPER: WILLSTONE MANAGEMENT, LLC
9000 WESTPORT DRIVE
INDIANAPOLIS, IN 46268
CONTACT: AARON DANKEMULLER
(317) 535-9464

CIVIL ENGINEER: CIVIL DESIGN CONCEPTS, P.A.
168 PATTON AVENUE
ASHEVILLE, NC 28801
CONTACT: WARREN SUDE, P.E.
(828) 252-3380

SURVEYOR: EDWARDS AND ASSOCIATES
300 ROOSEVELT CT. #301
ASHEVILLE, NC 28805
CONTACT: MARTIN A. BARNES, P.L.S.
(828) 225-6382

ARCHITECT: STUDIO M ARCHITECTURE & PLANNING
7 W MAIN STREET
CARMEL, IN 46032
CONTACT: MICHAEL JOHNSON, R.A.
(317) 810-1202

PROJECT DATA

PIN: 9646-79-7982
ADDRESS: 66 LONG SHOALS ROAD
DEED BOOK/PAGE: 3524/181
SITE ACREAGE: 3.65 ACRES
EXISTING ZONING: MST
PROPOSED ZONING: RES DIP

SETBACKS:	EXISTING:	PROPOSED:
FRONT:	15'	15'
SIDE:	10'	15'
REAR:	10'	15'

DISTURBED AREA: 3.7 AC

PARKING CALCULATIONS:

VEHICULAR: RESIDENTIAL
1-2 BEDROOM = MIN 1 SPACE/UNIT; MAX = 2 SPACE/UNIT
3+ BEDROOM = MIN 2 SPACE/UNIT; MAX = 3 SPACE/UNIT

	MINIMUM	MAXIMUM
18 STUDIO UNITS	18	36
36 ONE BEDROOM UNITS	36	36
36 TWO BEDROOM UNITS	36	72
3-BEDROOM UNITS	4	4
TOTAL SPACES REQUIRED	90	177

SPACES PROVIDED: 125
(INCLUDES 27 GARAGE SPACES AND 17 TANDEM SPACES)

HANDICAPPED SPACES:
SPACES REQUIRED: 3 SPACES PROVIDED: 6 (INCL. 2 GARAGE)

BICYCLE:
MINIMUM REQUIRED: 7 AMOUNT PROVIDED: 8

BUILDING DATA:

BUILDING	DESCRIPTION	HEIGHT	GFA
A	3 MF APARTMENTS	42'	43,942 SF
B	3 MF APARTMENTS	57'	42,374 SF
GARAGE #1	8-CAR GARAGE	15'	2,800 SF
GARAGE #2	9-CAR GARAGE	15'	2,800 SF

TOTAL GFA: 88,116 SF

DENSITY:

ZONING DENSITY ALLOWED: 50 U/AC (WITH 20% AFFORDABLE)
MAXIMUM UNITS: 143
PROPOSED UNITS: 87

IMPERVIOUS CALCULATIONS:

	IMPERVIOUS	PERVIOUS
PRE-DEVELOPMENT:	0.97 ACRES (26%)	2.68 ACRES (91%)
POST-DEVELOPMENT:	1.46 ACRES (32%)	1.37 ACRES (46%)

OPEN SPACE CALCULATIONS:

REQUIRED: 43,500 SF (300SF/UNIT) PROVIDED 43,500 SF

CDC INSPECTIONS HOTLINE:
828-771-1733 OR INSPECTIONS@CDCCO.COM

811 Know what's below. Call before you dig.

NORTH

GRAPHIC SCALE

(IN FEET)
1 inch = 120 ft.

CDC Civil Design Concepts, P.A.
168 PATTON AVENUE
ASHEVILLE, NC 28801
828-252-3380
FAX (828) 252-3382
www.civildesignconcepts.com
NC#C-0 LICENSE # C-0291
98 WALLACE STREET - SUITE B
WAYNESVILLE, NC 28786
PHONE (828) 456-3960
FAX (828) 456-3962

NO.	DATE	DESCRIPTION	BY
1	01/07/2021	CITY OF ASHEVILLE CZ SUBMITTAL	MAD

FOR REVIEW ONLY

PRELIMINARY NOT RELEASED FOR CONSTRUCTION

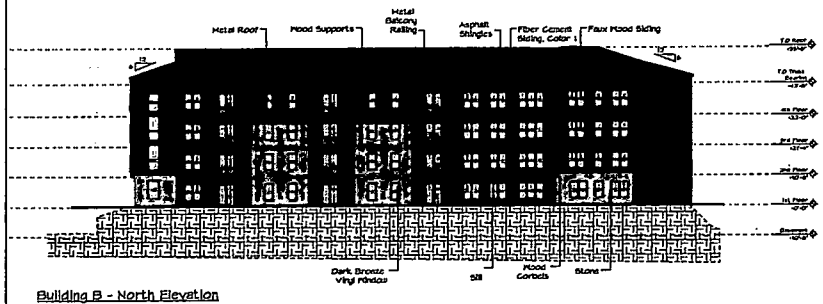
66 LONG SHOALS

WILLSTONE MANAGEMENT, LLC • ASHEVILLE, NORTH CAROLINA

DRAWN BY: MAD
CDC PROJECT NO.: 12102

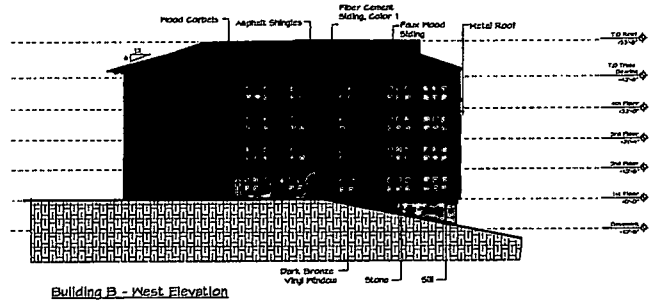
SHEET
A2.3

Exhibit D 3 of 4



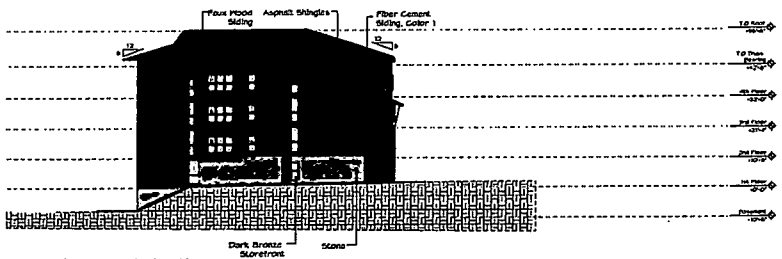
Building B - North Elevation

Scale: 1" = 20'



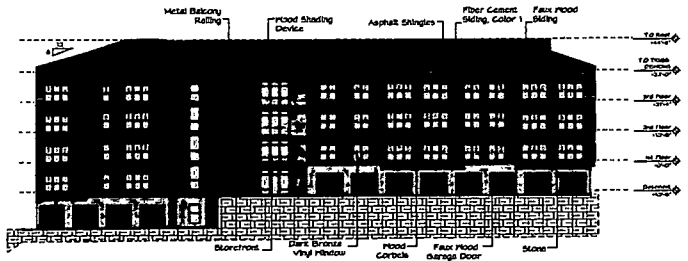
Building B - West Elevation

Scale: 1" = 20'



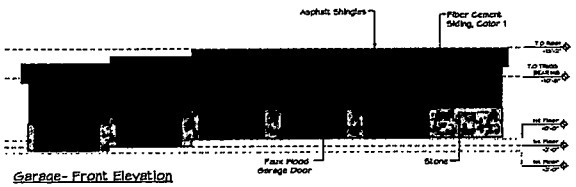
Building B - East Elevation

Scale: 1" = 20'



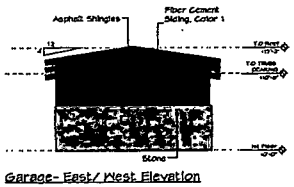
Building B - South Elevation

Scale: 1" = 20'



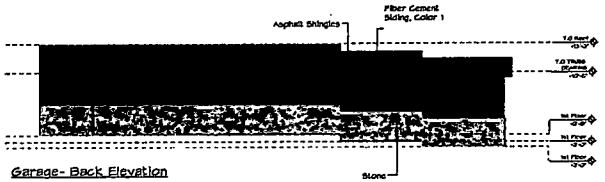
Garage- Front Elevation

Scale: 1" = 16'



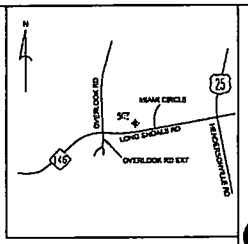
Garage- East/ West Elevation

Scale: 1" = 16'



Garage- Back Elevation

Scale: 1" = 16'



VICINITY MAP

(NOT TO SCALE)

DEVELOPMENT DATA

OWNER/DEVELOPER:	MILESTONE MANAGEMENT, LLC 8800 WESTPORT DRIVE INDIANAPOLIS, IN 46256
CONTACT:	ADRIAN DANNEMILLER (317) 535-8484
CIVIL ENGINEER:	CIVIL DESIGN CONCEPTS, P.A. 168 PATTON AVENUE ASHEVILLE, NC 28801 SHANON SUGG, P.E. (828) 253-5388
SURVEYOR:	ED HOLMES AND ASSOCIATES 300 ROCKFIELD CT. #201 ASHEVILLE, NC 28805
CONTACT:	MARTIN A. BARNES, P.L.S. (828) 225-4543
ARCHITECT:	STUDIO M ARCHITECTURE & PLANNING 2 W MAIN STREET CARMEL, IN 46032
CONTACT:	MICHAEL JOHNSON, R.A. (317) 810-1502

PROJECT DATA

PIN:	9641-78-7682
ADDRESS:	66 LONG SHOALS ROAD
DEED BOOK/PAGE:	5534/191
SITE ACREAGE:	2.63 ACRES
EXISTING ZONING:	RS3
PROPOSED ZONING	RCD CUP

SETBACKS:	EXISTING	PROPOSED
FRONT:	13'	15'
SIDE:	10'	15'
REAR:	10'	15'

DISTURBED AREA: 2.7 AC

PARKING CALCULATIONS:

VEHICULAR: RESIDENTIAL

1-2 BEDROOM = MIN 1 SPACE/UNIT; MAX = 2 SPACE/UNIT
3+ BEDROOM = MIN 2 SPACE/UNIT; MAX = 3 SPACE/UNIT

	MINIMUM	MAXIMUM
18 STUDIO UNITS	18	36
29 ONE BEDROOM UNITS	29	58
39 TWO BEDROOM UNITS	39	78
3 THREE BEDROOM UNITS	6	6
TOTAL SPACES REQUIRED	80	177

SPACES PROVIDED: 123
(INCLUDES 27 GARAGE SPACES AND 17 TANDEM SPACES)

HANDICAPPED SPACES:
SPACES REQUIRED: 5 SPACES PROVIDED: 6 (INCL. 2 GARAGE)

BICYCLE:
MINIMUM REQUIRED: 7 AMOUNT PROVIDED: 8

BUILDING DATA:

BUILDING	DESCRIPTION	HEIGHT	GFA
A	1 BR APARTMENTS	45'	43,943 SF
B	1 BR APARTMENTS	57'	48,274 SF
GARAGE #1	3-CAR GARAGE	15'	2,800 SF
GARAGE #2	3-CAR GARAGE	15'	2,800 SF
		TOTAL GFA:	98,115 SF

DENSITY:

ZONING DENSITY ALLOWED: 50 U/AC (WITH 20% AFFORDABLE)
MAXIMUM UNITS: 142
PROPOSED UNITS: 87

WATERSHED CALCULATIONS:

	IMPERVIOUS	PERVIOUS
PRE-DEVELOPMENT:	0.27 ACRES (10%)	2.36 ACRES (91%)
POST-DEVELOPMENT:	1.46 ACRES (55%)	1.17 ACRES (45%)

OPEN SPACE CALCULATIONS:

REQUIRED: 43,500 SF (500SF/UNIT) PROVIDED 43,500 SF

CDC INSPECTIONS HOTLINE:
828-771-4773 OR INSPECTIONS@CDCGO.COM

811 Know what's below. Call before you dig.

NORTH

GRAPHIC SCALE

(IN FEET)
1 inch = 120 ft.

CDC Civil Design Concepts, P.A.
168 PATTON AVENUE
ASHEVILLE, NC 28801
PHONE (828) 253-5388
FAX (828) 253-5389
www.civildesignconcepts.com
NC BOARD OF ENGINEERING EXAMINERS LICENSE #: C-0246

88 WALNUT STREET - SUITE B
HENDERSONVILLE, NC 28739
PHONE (828) 693-4113
FAX (828) 693-4115

NO.	DATE	DESCRIPTION	BY
1	04/07/2021	CITY OF ASHEVILLE CT SUBMITTAL	VAD

FOR REVIEW ONLY

PRELIMINARY NOT RELEASED FOR CONSTRUCTION

66 LONG SHOALS

MILESTONE MANAGEMENT, LLC - ASHEVILLE, NORTH CAROLINA

DRAWN BY: LAU/PRUDLOW/MAU
JOB #: 12102

SHEET
A2.2

Exhibit D
4 of 4

345

346

ORDINANCE NO. 4389 / 14889

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Fiscal Year 2021-22 Budget Ordinance be amended to add an appropriation of $2,000,000 and amend the Special Revenue Fund as follows:

SPECIAL REVENUE FUND

Revenues:

Federal Revenue Distribution - ARPA	$2,000,000
Total Revenues	$2,000,000

Appropriations:

Grant Agreement / Acquisition	$2,000,000
Total Appropriations	$2,000,000

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this the 27th day of July 2021.

Magdalen Bowlesson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlesson
City Clerk

ORDINANCE NO. 4390 14890

ORDINANCE AMENDING PROVISIONS OF CHAPTER 10, ARTICLE IV OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE CONCERNING NOISE REGULATION

WHEREAS, the City of Asheville has authority pursuant to N.C. Gen. Stat. § 160A-184 to enact ordinances regulating, restricting, or prohibiting the production or emission of noises or amplified speech, music, or other sounds that tend to annoy, disturb, or frighten its citizens; and

WHEREAS, the City has identified several inefficiencies, administrative difficulties, and ineffective provisions in the City's noise regulations; and

WHEREAS, the City desires to amend the noise regulations to allow residents, visitors, and property owners of Asheville to enjoy residences, businesses, and public places in an environment free from excessive noise; and

WHEREAS, the City is amending the noise regulations to balance the reasonable needs of residents, visitors, and property owners and recognize that all parties are essential to a thriving local economy; and

WHEREAS, the amended noise regulations include just, fair, clear, enforceable, and effective measures to control excessive noise;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1: Chapter 10, Article IV of the Code of Ordinances of the City of Asheville is hereby repealed as of the effective date of this new ordinance.

Section 2: The City Council hereby adopts a revised Chapter 10, Article IV of the Code of Ordinances of the City of Asheville, which shall read:

ARTICLE IV. - NOISE REGULATION

Sec. 10-81. Scope.

This article shall apply to all sound, sound vibration, and noise originating within the corporate limits of the City of Asheville. Nothing in this article shall be construed to limit or prevent the City or any person from pursuing any other legal remedies for damages or the abatement of noises in the city.

Sec. 10-82. Definitions.

The words and phrases defined in this section shall have the meaning indicated when used in this article unless otherwise specifically provided, or unless otherwise clearly required by the context. All terminology used in this ordinance, not defined below, shall be in conformance with applicable standards of the American National Standards Institute (ANSI) or its successor bodies.

Abutting means joining at a border or boundary.

Adjacent means the condition of being near to, adjoining or close to but not necessarily having a common dividing line. Two properties which are separated by only a street, alley or unopened/undeveloped right-of-way shall be considered as adjoining one another.

A-Weighted sound level (L a, dB(A), dBA) means the sound pressure level in decibels as measured on a sound level meter using the A-weighting network as specified in ANSI documents for sound level meters. The level so read is postscripted dB(A) or dBA.

Central Business district means any area with the following zoning designation: Central Business District.

Commercial district means any area with the following zoning designation: Neighborhood Business District, Office District, Office II District, Office/Business District, Community Business I District, Community Business District II, Urban Residential District, Neighborhood Corridor District, Haywood Road Form District, River Arts Form District, Urban Village District, Urban Place District, Resort District, Resort District, Institutional District, Highway Business District, Regional Business District, River District, Commercial Industrial District, Commercial Expansion District, Mixed Use Expansion District, Institutional Expansion District, Lodging Expansion District.

Construction means erection, repair, assembly, alteration, landscaping, or demolition of any building or building site.

Continuous sound means any sound which does not vary in sound level more than 5 dB(A) during a measurement period which shall be at least 60 minutes.

Cyclically varying sound means any sound which varies in sound level more than 5 dB(A) during a measurement period such that the same level is obtained repetitively at reasonably uniform intervals of time less than 10 minutes.

Daytime hours: 7:00 AM to 10:00 PM, local time, unless otherwise specified.

Decibel (dB) means a logarithmic (dimensionless) measure used in describing the amplitude of sound.

Impulsive sound means any sound or vibration of short duration that has an abrupt increase and abrupt decay.

Industrial district means any area with the following zoning designation: Commercial Industrial District, Light Industrial District, Industrial District, Industrial Expansion District.

Intermittent sound means any sound source that ceases to emit sound at intervals. The levels during on periods may be either constant or varying.

Leq means the equivalent sound level, which is the constant sound level in a given time period that conveys the same sound energy as the actual time-varying sound. The applicable time period for the Leq must be specified.

Mobile sound vehicle means any non-emergency vehicle operated by a governmental entity and specially equipped with mechanical loudspeakers or amplifiers for the purpose of directing sound more than ten feet beyond the vehicle.

Motor vehicles means road vehicles, such as automobiles, vans, motorcycles and trucks, as well as off-road vehicles such as dirt bikes, 4-wheelers, self-propelled construction and farming equipment; vehicles powered by an internal combustion engine.

Nighttime hours: 10:00 PM to 7:00 AM, local time, unless otherwise specified.

Noise Control Administrator means any officially designated employees or agents of the municipality that have primary responsibility for noise control and have received training in the standards for the measurement of sound levels.

Noise disturbance means any sound or vibration which:

(1) May disturb or annoy reasonable persons of normal sensitivities; or
(2) Causes, or tends to cause, an adverse effect on the public health and welfare; or
(3) Endangers or injures people; or
(4) Endangers or injures personal or real property.

To determine whether a noise constitutes a noise disturbance, the following factors incident to such noise are to be considered:

(1) Whether the noise occurred during daytime or nighttime hours;
(2) The noise's volume and intensity;
(3) Whether the noise has been enhanced in volume or range by any type of megaphone, amplifier, or other mechanical means;
(4) The frequentness and duration of the noise, and;
(5) The nature and zoning of the area.

Pure tone means:

(1) Any sound that can be heard as a single pitch or combination of pitches, or;
(2) Any sound in which the one-third octave band sound pressure level in the band with the tone exceeds the level in the two contiguous one-third octave bands by 5 dB in bands 500 Hz and above, by 8 dB for bands between 160 and 400 Hz, and by 15 dB for bands below 160 Hz.

Performance center means an open, partially enclosed, or fully enclosed facility designed or intended for use for the gathering of people as an audience for presentations such as, but not limited to, music, lectures, or live theater.

Public space means a right-of-way, street, park or any real property or structures owned or controlled by a governmental entity that is permanently devoted to public use.

Real property line means an imaginary line along the ground surface, and its vertical extension, which separates the real property owned by one person or entity from that owned by another person or entity, but not including intra-building real property divisions.

Residential district means any area with the following zoning designation: RS-2 Residential Single-Family Low-Density District, RS-4 Residential Single-Family Medium Density District, RS-8 Residential Single-Family High-Density District, RM-6 Residential Multi-Family Low-Density District, RM-8 Residential Multi-Family Medium Density District, RM-16 Residential Multi-Family High-Density District, Residential Expansion District.

Sound means any disturbance of the air or other medium that is detectable by the unaided human ear or which produces vibrations detectable by reasonable persons of normal sensitivity.

Sound level meter means a device used for measuring the intensity of sound. A sound level meter uses a microphone to measure the changes in air pressure produced by the sound source. Sound level meters typically report readings in decibels.

Sec. 10-83. General regulation.

(a) No person shall make, continue, cause, or wrongfully permit to be made or continued, any noise disturbance originating from a Residential District.
(b) No person shall make, continue, cause, or wrongfully permit to be made or continued, any noise disturbance originating from a right-of-way, street or other public space.
(c) Unless otherwise specified, no person shall cause or allow the emission of any sound originating from a district which, when measured pursuant to 10-84, exceeds the maximum decibel limits specified in Table 1.

Table 1. Sound Level Limits

Originating District dB(A)			
	CBD	**Commercial**	**Industrial**
Daytime, 7:00 AM to 10:00 PM	72	65	70
Nighttime, 10:00 PM to 7:00 AM	67	57	65

(1) In Central Business (CBD) and Commercial Districts, daytime hours for sound level limits shall be 7:00 AM to 11:00 PM Friday through Saturday.
(2) In CBD, nighttime sound level limits shall be reduced by an additional five decibels between 2:00 AM and 7:00 AM.
(3) The sound level limits shall be reduced by an additional five decibels for any source of sound emitting a pure tone, continuous sound, cyclically varying sound, or repetitive impulsive sound.
(4) The decibel reductions provided herein are cumulative.

Sec. 10-84. Sound measurement.

(a) For the purpose of determining dB(A) as referred to in this article, sound shall be measured on the A-weighting scale set on slow response using a Class 1 or Class 2 Sound Level Meter of standard design and quality having characteristics established by the American National Standards Institute.
(b) Measurements shall be made on the property where the sound is received, within a reasonable proximity of where the sound is typically received.
(c) The exterior sound level limits are based on the Leq using a minimum measurement interval of one minute.

Sec. 10-85. Prohibitions.

Unless otherwise allowed by this Chapter, no person shall engage in any of the following enumerated activities:

(1) The intentional projection of sound from any amplified device or apparatus making or reproducing sounds onto adjoining or neighboring properties for the purpose of attracting attention by creation of noise to any business, location, performance, show, event, sale, or display, except sounds emitted by Mobile Sound Vehicles during daytime hours.

(2) Producing, or causing to be produced amplified sound within 150 feet of the property line of a public school where classes or other educational activities are occurring, or a medical clinic that is open or otherwise caring for patients.

(3) Operating any motor vehicle with a non-functional or absent muffler-exhaust and/or noise control system;

(4) Using unmuffled engine compression brakes except when required due to an emergency driving situation;

(5) Sounding any natural or amplified signal from any bell, horn, chime, siren, whistle or similar device intended primarily for non-emergency or non-safety purposes for more than five minutes in any hourly period;

(6) Operating a front-end loader for refuse collection in any Residential District or within 100 feet of a Residential District between the hours of 7:00 PM and 7:00 AM;

(7) Operating a front-end loader for refuse collection in a CBD between the hours of 7:00 PM and 5:00 AM; and

Sec. 10-86. Exceptions.

The following are excepted from the application of this article:

(1) Governmental emergency vehicles used in the performance of official duties;

(2) Construction activity performed by an agency of government or utilities regulated by the North Carolina Utilities Commission provided that all equipment is operated in accordance with manufacturer's specifications and is equipped with all noise-reducing equipment in proper condition;

(3) Construction activity performed pursuant to a permit issued by the City's Chief Building Official or their designee under Section 10-87 of this article;

(4) Sound emanating from refuse collection, except as specified in Section 10-85 of this article;

(5) Barking dogs or other noise caused by animals regulated in Chapter 3 of the City Code;

(6) Sound emanating from safety signals, warning devices, emergency pressure relief valves, church bells, and the bells or chimes of the Asheville City Building and Municipal Building;

(7) Sound emanating from film and video production activities for which special event permits have been issued by the City; provided all equipment are operated in accordance with manufacturer's specifications and with all standard noise reducing equipment in place and in proper condition;

(8) Sound emanating from lawfully permitted fireworks displays occurring in celebration of Federally recognized holidays or emanating from McCormick Field between 10:00 AM and 11:30 PM Friday or Saturday provided the sound caused by the fireworks display is limited to non-consecutive days and occurs for no more than twelve ten-minute periods within a single twelve month period;

(9) Sound emanating from aircraft operated in accordance with applicable federal rules and regulations;

(10) Sound emanating from railroad operations regulated by the Federal Railroad Administration;

(11) Musical accompaniment or other sound caused by permitted parades or military ceremonies; and
(12) Sound emanating from regularly scheduled athletic events at City or Buncombe County parks, athletic facilities, public or private schools and McCormick Field between 7:00 AM and 11:00 PM, except where a permit is otherwise required by this article.

Sec. 10-87. Construction Sound.

(a) Construction equipment must be operated in accordance with manufacturer's specifications with all standard sound-reducing equipment in place and in proper condition.
(b) Except where otherwise permitted in this article, no construction activity performed pursuant to a permit issued under Chapter 4 of the City Code may be performed outside the hours of 7:00 AM and 7:00 PM Monday through Saturday absent an after-hours permit issued by the City's Chief Building Official or their designee. The Chief Building Official may issue such a permit when, in their opinion, the sound caused by the construction activity will occur on a property, or site made up of multiple parcels, for no more than three twelve-hour periods within a single seven day period.
(c) After-hours permit applicants must certify that written notice will be provided to addresses located within 500' of the real property line of the subject property where the construction activity is permitted at least 72 hours prior to the permitted date, including contact information, specific dates, times and activity purposes.
(d) After-hours permits may require compliance with sound-mitigating measures as determined by the Chief Building Official, including but not limited to, limitations on the types of construction activity performed, equipment restrictions and the erection of sound reducing barriers.
(e) Following the issuance of an after-hours permit, if the Chief Building Official determines that the construction activity is causing sound in excess of the standards specified in Section 10-83 of this article, the Chief Building Official may modify or revoke the permit.
(f) The Chief Building Official may permit emergency construction activities without an after-hours permit upon a determination that such work is necessary for the preservation of public health or safety. Such a determination may be made after the emergency construction activity has occurred.
(g) Failure to obtain an after-hours permit, or comply with any condition contained therein, shall constitute a violation of this section, and the Chief Building Official shall be authorized to issue a stop work order for any permit issued to the violating party. In addition, violation of this section shall subject the offender to a civil penalty in the amount of $500.00.

Sec. 10.88. Permitting.

(a) Sound Exceedance permit
  (1) Except where otherwise permitted under this article, a Sound Exceedance Permit shall be required to lawfully exceed the Central Business (CBD) and Commercial District sound level limits set forth in Section 10-83.
    a. The applicant for a Sound Exceedance permit shall supply at a minimum:
      1. A site plan showing the event space illustrating the following:
        i. The location of any stages or performance zones;
        ii. The location and direction of orientation of any loudspeakers to be used;
        iii. The location of any audience seating or assembly area;
        iv. The point(s) of ingress and egress for the site;
        v. Land Use and zoning district of all abutting properties; and

vi. Any other information deemed necessary for enforcement of this article by a Noise Control Administrator.

2. Date and time sound exceedance is expected to begin and end.
3. The name and contact information of a person ready and able to take action to cease the sound exceedance upon notice from the City.
4. Sound impact plan if required.
5. Written certification that written notice will be provided to addresses located within 500' of the real property line of the subject property where the sound is to be produced at least one week prior to the permitted date.

b. Applications must be submitted for review:

1. 14 days prior to the desired date for Type 1 and Type 2 permits; or
2. 30 days prior to the desired date for Type 3 permits.

(2) A Sound Exceedance permit shall authorize the holder to exceed the maximum decibel limits as set forth in Section 10-83 as follows:

a. Type 1
   1. No more than two days of events within a single twelve month period.

b. Type 2
   1. No more than eight days of events within a single twelve month period; and
   2. In accordance with an approved sound impact plan.

c. Type 3
   1. Limited to approved Performance Centers;
   2. No more than 30 days of events within a single twelve month period;
   3. In accordance with an approved sound impact plan incorporating a noise model performed by an acoustical engineer that demonstrates the comprehensive management and reduction of off-site decibel impacts.

(3) Sound impact plan.

a. A sound impact plan shall include at a minimum:
   1. Performance area layout and sound orientation, including size and technical specifications of sound amplification equipment;
   2. Sound-mitigating design features, including description of any permanent or temporary sound barriers or sound mitigation devices;
   3. Location and proximity of nearby residential dwelling units and method of managing anticipated off-site decibel impacts;
   4. Prescribed decibel levels, expected duration of sound exceedance, and hours of operation; and
   5. Availability and use of decibel meters on-site including provisions for the monitoring of meters.

(4) Permitted Sound Exceedance may occur between 10:00 AM and 10:00 PM Sunday through Thursday or 10:00 AM and 11:00 PM Friday through Saturday. Sound Exceedance shall not exceed eight hours in duration.

(5) In no event shall the emission of sound measure more than 85 dBA Leq using a minimum measurement interval of one minute on a property with an occupied residential dwelling unit.

(6) The following criteria shall be considered in the determination of whether to grant or deny an application for a Sound Exceedance Permit:

a. Suitability of the site for sound exceedance based on topography, proximity to existing residential uses, and the use and activities permitted by the zoning regulations in the area;

b. Size and capacity of the site or venue covered by the permit;

c. Intensity of sound levels, including time and duration at which the sound exceedance will occur;
d. Sound mitigating design features proposed in the permit application, including performance area layout and orientation, buffering, orientation of speakers, or other mitigation strategies;
e. History of verified noise complaints and violations at the site.

(7) Should the applicant fail to abide by all applicable requirements found within this article, the Noise Control Administrator shall be authorized to suspend the permit for up to two weeks if the Administrator determines:
a. A formal written warning was issued; and
b. At least two documented violations of this section have occured within a 90 day period.

(8) Revocation of a Permit.
a. A Sound Exceedance permit may be revoked by the City if:
1. A sound exceedance event occurred during a suspension; or
2. At least two documented violations of this section occur within six months after the end of a suspension.
b. Permits revoked for violations of this section shall not be eligible for reissuance for at least 365 days from the date of the last violation.

Sec. 10.89. Administration.

This article may be enforced by any city employee as permitted by the City Manager.

Sec. 10.90. Noise Advisory Board.

The Noise Advisory Board is hereby established, consisting of seven members appointed by and serving at the pleasure of the city council for three-year terms, and will serve at the pleasure of the city council.

(1) Composition of board.
a. Three city residents representing different geographic areas of the city
b. One representative of the performing arts.
c. One representative of the restaurant industry.
d. One representative of the industrial or construction industry.
e. One professional in acoustic engineering or a related field.
f. The Noise Control Administrator shall serve as a nonvoting member.

(2) Responsibilities of the board
a. Upon request by a majority of the City Council, the Board shall meet and may perform the following advisory functions:
1. Evaluate the effectiveness of this article and related city policies with the goal of developing recommendations regarding amendments, additions, or deletions.
2. Evaluate the effectiveness of enforcement of this article, including but not limited to response times, compliance rates, distribution of complaints, and ensuring equitable outcomes.
3. Propose long-term objectives for achieving reduction of sound levels in the community, and propose means for implementing such objectives.
4. Develop rules relative to the conduct of its meetings in accordance with City rules and policies governing advisory boards and commissions.

Sec. 10.91. Non-exclusivity.

Nothing in this article shall be construed to prevent or limit any person from seeking any remedy available in law or equity for activities that are or may be subject to regulation by this article, or from pursuing said remedy simultaneously with proceedings under this article, nor shall any of the procedures specified herein be a condition precedent to the initiation of any legal action.

Sec. 10.92. Violations; owner and occupant responsibility.

Violations of this article shall subject the offender to penalties as set forth in section 10-92, subject to the limitations set forth below.

(1) Penalties for violations of this article may be assessed against persons responsible for the premises or device producing or causing the noise disturbance.
(2) An owner of any premises subject to this article, as well as any person responsible for such premises, shall be responsible for any actions by tenants, guests, or other licensees that constitute violations of this article. This section shall in no way relieve any other person from responsibility for violations of this article.

Sec. 10.93. Penalties.

(a) Violations of the provisions of this article by the same person for the same activity occurring within two years of the first such violation shall be subject to civil penalties as follows:
   (1) First violation (per City Code section 1-5) $100.00
   (2) Second violation $200.00
   (3) Third violation $300.00
   (4) Fourth or subsequent violation ..... $500.00, per offense

(b) In addition to the suspension, revocation or denial of permits, violations of the provisions of this article requiring permits shall be subject to civil penalties as follows:
   (1) Operating without a permit ..... $500, per offense
   (2) Violation of a permit condition ..... $500, per offense

(c) In addition to the civil penalties provided for above, the city may enforce the provisions of this article by appropriate equitable remedies as set forth in section 1-5(d).

Sec. 10.94 - Appeals

(a) Appeals from the denial of any permit, suspension or revocation of any permit, or the issuance of any civil penalty, may be made to the Development Services Director, but must be in writing and delivered to the Development Services Department within ten business days of the decision being appealed.

(b) The Development Services Director may consider such appeal with or without a hearing, and shall issue and serve a written decision of such appeal within thirty business days of its receipt; which time may be extended by the Development Services Director for good cause.

(c) No appeal of any permit decision may be heard except those filed by a permit applicant or permit holder within the prescribed time period for filing such appeals.

Section 3: *If any section, subsection, sentence, clause, or phrase of* this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4: All ordinances or parts of ordinances in conflict are hereby repealed to the extent of such conflict as of the effective date described in Section 5 hereinbelow.

Section 5: This ordinance will become effective on the 15th day of September, 2021.

Read, approved and adopted this the 27th day of July, 2021.

Magdalen Bruleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bruleson
City Clerk

ORDINANCE NO. 4391 / 4891

ORDINANCE ADOPTING THE FISCAL YEAR 2021-22 TRANSIT ADVERTISING FEES & CHARGES

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The attached Fiscal Year 2021-22 Transit Advertising fees and charges, attached hereto and made a part hereof, be adopted.

That this ordinance shall be in full force and effective immediately.

Read, approved and adopted this 24th day of August, 2021.

Magdalen Bowlesson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowlesson
City Clerk

Attachment A - Fee Request and Recommendation

Transit Advertising Fee (Transit Services Fund)

Description: Transportation Department fees charged for the placement of advertising inside buses in the Asheville Rides Transit system fleet.

Type of Change: Increase

Background:

- Advertising rates have not been revised since 2008.
- Based on research, advertising fees are between 30% and 500% higher in other similarly-sized transit systems.
- A 10% discount is offered for non-partisan, non-profit groups as well as city-sponsored events and other city departments.
- The proposed fee change is an increase of 50% to the monthly rate for the shortest amount of time advertising. Fees vary based on the number of buse, the length of time an ad is placed, and the size of the ad. The per unit rate decreases with longer advertising periods.

Updated Fees Proposed for Adoption

Half of Fleet - minimum 15 Buses (may be updated)			
Specs	**1-4 Months**	**5-8 Months**	**9-12 Months**
Bus Interior - 11 x 17 Landscape (Ads in the 5 Electric buses must be in portrait)	$30 per month/per bus	$27 per month/per bus	$25 per month/per bus
Bus Interior - 11 x 34 Landscape (5 Electric buses must be in portrait)	$50 per month/per bus	$47 per month/per bus	$45 per month/per bus

Full Fleet - minimum 30 Buses (may be updated)			
Specs	**1-4 Months**	**5-8 Months**	**9-12 Months**
Bus Interior - 11 x 17 Landscape (Ads in the 5 Electric buses must be in portrait)	$25 per month/per bus	$23 per month/per bus	$20 per month/per bus
Bus Interior - 11 x 34 Landscape (5 Electric buses must be in portrait)	$45 per month/per bus	$43 per month/per bus	$40 per month/per bus

Incorrect Fees Adopted in April 2021 (effective July 1, 2021)

Interior Signs

Units	1 month
1	$ 27
10	$ 266
20	$ 532

Interior Ceiling Signs

Units	1 month
1	$ 133
10	$ 1,330
20	$ 2,660

Previous Fees Prior to April 2021 (in place since 2008)

Interior Signs

Units	1 Month	3 Month	6 Months	12 Months	Notes
1	$20	$57	$113	$223	11 x 17 laminated landscape
10	$200	$570	$1,128	$2,232	
20	$400	$1,140	$2,256	$4,464	

Interior Ceiling Signs

Units	1 Month	3 Month	6 Months	12 Months	Notes
1	$100	$285	$564	$1,116	11 x 17 laminated landscape
10	$1000	$2,850	$5,640	$11,160	
20	$2000	$5,700	$11,280	$22,320	

Customer: This fee is paid by businesses or individuals who advertise their goods or services on transit buses.

Service Impact: The advertising revenue, though modest, offsets the operational costs of the transit system, which serves the whole community.

Revenue Impact: These changes are not expected to significantly impact Transit Fund revenues. Recently, total advertising revenues in the Fund ranged from $2,000 to $5,000 annually.

Staff Recommendation:
Approve fee changes effective immediately upon adoption.

ORDINANCE NO. 4392 / 4892

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Fiscal Year 2021-22 Budget Ordinance be amended to include ARPA revenue in the Transit Multi-Year Fund (6510) budget, as follows:

TRANSIT MULTI-YEAR FUND

Revenues:

Restricted Intergovernmental Federal Grants	$4,252,528
Total Revenues	$4,252,528

Appropriations:

Transit Pass Through Grant	$2,439,593
Transfer to Transit Operating Fund	$1,812,935
Total Appropriations	$4,252,528

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved, and adopted this 24th day of August 2021.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

362

ORDINANCE NO. 4393 / 14893

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Fiscal Year 2021-22 Budget Ordinance be amended to add an appropriation of $100,000 to the General Capital Projects Fund as follows:

GENERAL CAPITAL PROJECTS FUND

Revenues:

Friends of the Nature Center Donation	$100,000
Total Revenues	$100,000

Appropriations:

Maintenance and Repairs	$100,000
Total Appropriations	$100,000

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved, and adopted this the 24th day of August 2021.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

ORDINANCE NO. 4394 / 14894

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Fiscal Year 2021-22 Budget Ordinance be amended to provide an appropriation of $440,000 to account for fire protection revenues and amend the Special Revenue Fund as follows:

SPECIAL REVENUE FUND

Revenues:

Property Taxes - Fire District	$330,000
Local Sales Taxes - Fire District	$110,000
Total Revenues	$440,000

Appropriations:

Transfer to General Fund	$440,000
Total Appropriations	$440,000

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this the 24th day of August 2021.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

364

ORDINANCE NO. 4395 / 4895

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Fiscal Year 2021-22 Budget Ordinance be amended to provide an appropriation of $16,500 as a grant from the Natural Resource Defense Council and amend the Sustainability Fund as follows:

SUSTAINABILITY FUND

Revenues:

Miscellaneous Revenue	$16,500.00
Total Revenues	$16,500.00

Appropriations:

Contracted Services	$16,500.00
Total Appropriations	$16,500.00

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this the 24th day of August, 2021.

Magdalen Bowlson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

ORDINANCE NO. 4396 /4896

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Fiscal Year 2021-22 Budget Ordinance be amended to add an appropriation of $1,600,000 and amend the Special Revenue Fund as follows:

SPECIAL REVENUE FUND

Revenues:

Federal Revenue Distribution - ARPA	$1,600,000
Total Revenues	$1,600,000

Appropriations:

Transfer to Parking Fund	$1,600,000
Total Appropriations	$1,600,000

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this the 24th day of August 2021.

Magdalen Bouleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bouleson
City Clerk

366

ORDINANCE NO. 4397 14897

ORDINANCE ESTABLISHING CONDITIONAL ZONING FOR PROPERTY LOCATED AT 1617 HENDERSONVILLE ROAD

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this proposed amendment is consistent with the *Living Asheville - A Comprehensive Plan for our Future* and is determined to be reasonable, and in the public interest for the following reasons:

a) Supports infill development in areas targeted for growth;
b) Promotes walkability and access to outdoor areas; and
c) Provides green stormwater infrastructure improving community resilience.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

The zoning classification of that certain real property described in Exhibit A and identified on Buncombe County tax maps as PINs 9645-89-9707, and recorded in Deed Book 1860, Page 143, along with 27 parcels within the community also identified in Exhibit A, with all parcels currently owned by Deerfield Episcopal Retirement Community Inc. from Residential Multi-family, High Density (RM-16) and Institutional (INST) to Commercial Expansion - Conditional Zone (COM EXP - CZ). A copy of the official zoning map showing said lots is attached hereto as Exhibit "A.1" and made a part hereof. Said rezoning is subject to the conditions set out in Exhibit "E", and substantially compliant with the site plan(s) and elevations as shown on Exhibit D attached hereto and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. The ordinances shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 5. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 24th day of August, 2021.

Magdalen Burleson
City Clerk

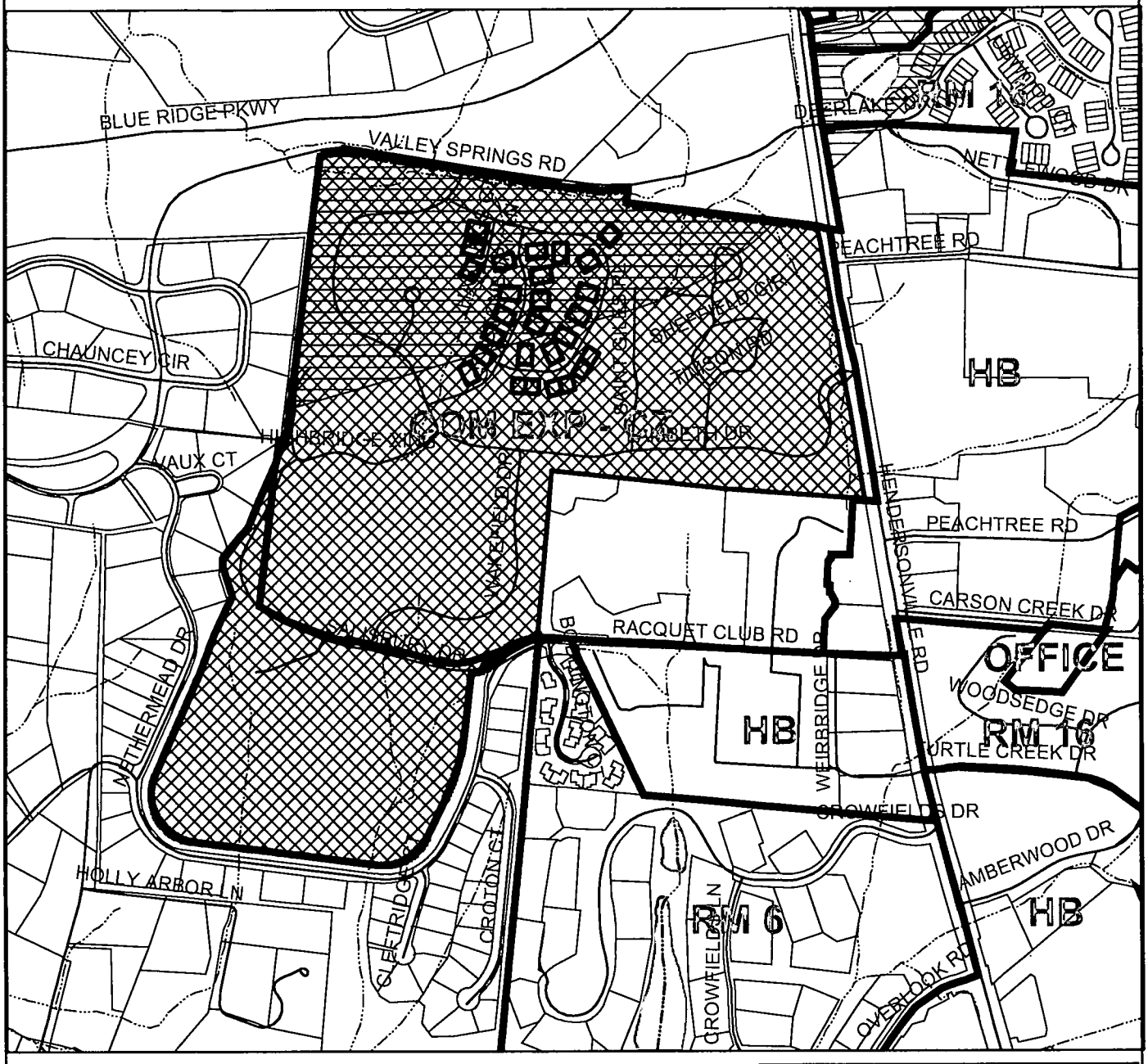
Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

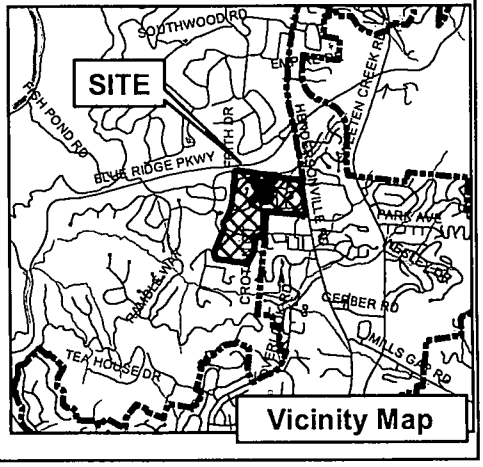
Magdalen Burleson
City Clerk

City of Asheville
Exhibit A1 Map - Proposed Zoning
Conditional Rezoning Petition - Deerfield Ph. 3



Project Name: Deerfield Expansion, Ph. III
Project Number: 21 - 01397 PZ
Project Description: CZ from RM16/INST to COM EXP - CZ
Petitioner(s): John Harrell
Parcel ID Number(s): 9645-89-9707

Location/Address: 1617 Hendersonville Rd.



Project Site | Parcels | Asheville City Limits
Zoning Districts | Streets | River Areas

City of Asheville Planning and Urban Design Department - February 2020

Exhibit E - Project Conditions

1617 Hendersonville Rd. (Deerfield - Ph. III)

Conditions for Deerfield Expansion

1. The property included in this rezoning is shown on the THW Design Site Plan, and it is identified on the Buncombe County Tax Map as PIN 9645-89-9707. Located entirely within this property are 24 individual parcels (with separate PINs) that also belong to Deerfield (the Developer). Collectively, these parcels are the Subject Property.
2. The Subject Property is located at 1617 Hendersonville Road in the City of Asheville and consists of approximately 125 acres.
3. The Subject Property received a Conditional Use Permit (CUP) from the City of Asheville in 2008 (ordinance no. 3587; herein "2008 CUP") for a major expansion, and that 2008 CUP is still in effect. The zoning underlying the 2008 CUP is RM-16 and INST. The purpose of this rezoning is to allow for the further development of the Subject Property.
4. Pursuant to this ordinance, the entire Subject Property is rezoned to a Commercial Expansion, Conditional Zone (COMM-EXP CZ), but approval is limited to the proposed expansion described herein. The remainder of the Subject Property will remain subject to the approval and conditions set out in the 2008 CUP, which conditions are hereby incorporated by reference. Those conditions remain in effect and govern the use of the Subject Property, except as modified herein. To the extent

of any conflict between the 2008 CUP and this conditional rezoning, this conditional rezoning controls.

General Features of Project

5. The Project will be built in phases, and will consist of:
    a. Expansion of the existing skilled nursing facility (21,500 square feet);
    b. A new building with 90 independent living apartments on 6 levels (approximately 220,000 square feet);
    c. New "Hybrid" buildings, each with 12 independent living apartments (36,000 square feet per building); Phase I includes two Hybrid buildings and future phases will add up to 10 new Hybrid buildings.
    d. A parking structure with a total of 128 spaces on 2 levels (45,000 square feet).
    e. The number of new surface parking spaces will be approximately 218.
    f. A new Community Center/Assisted Living facility built in two phases, eventually totaling 148,000 square feet with the community center at ground level and Assisted Living on the 2nd and 3rd levels. Phase I will consist of a 30,200 square foot Community Center and two levels of Assisted Living above at 15,800 square feet per floor.
    g. A Multi-Purpose Room expansion at the existing Community Center (approximately 9,000 square feet).
    h. A new Grounds Maintenance Building (2,500 square feet).
    i. In addition, several of the existing buildings will be renovated and repurposed, and connections will be added between some of the buildings.

j. The Subject Property will be extensively landscaped, with water features and walking trails; existing trees will be preserved where possible, and additional trees will be planted;

These structures and features will be in addition to the structures that already exist on the Subject Property.

Construction of Phase I of the Project will begin within two years of the date of approval of the Project, and is expected to take 28 months.

6. The Project includes a full service Assisted Living Facility as defined in the UDO, together with single family and multi-family residential uses designed for independent living, hospitals and medical facilities, libraries, places of worship, public utilities and related facilities, performance centers and community centers, recreational uses (for residents), and limited commercial uses and ancillary uses that are supportive of the primary uses.
7. The location, footprint, and size of the structures on the Subject Property will be substantially as shown on the site plan, and the appearance of the structures will be substantially as shown on the elevation drawings. The site plan and elevation drawings are hereby incorporated by reference. Maximum building height will be 65 feet.

Transportation and parking.

8. Access to the Subject Property will continue to be from Hendersonville Road. Internal access and circulation will be via a private drive, as shown on the site plan.
9. The Project includes new parking spaces sufficient to meet UDO requirements. A substantial number of those spaces are located underneath the buildings, and 128 are within the new parking structure.

10. Hendersonville Road (US Highway 25) is a State highway, under the control of the NC DOT. Based on the projected trips per day, DOT does not require a Traffic Impact Analysis or traffic study for the Project. The projected peak hour trips does not meet the City's threshold for a TIA or traffic study. No improvements to the roads or traffic controls are required.
11. The Project is located on the ART S6 bus route. A bus stop was installed on the Subject Property pursuant to the 2008 CUP. That bus stop will remain on the Subject Property.

Sidewalks and pedestrian/bicycle features

12. The Project will include internal sidewalks and other walking surfaces and pedestrian connections in the approximate locations and dimensions as shown on the approved site plan and will be designed to be consistent with existing sidewalks on the Subject Property, ranging from 5 to eight feet in width. In no case will a sidewalk or walking path be less than 5 feet in width.
13. Sidewalks will be installed along Hendersonville Road to satisfy City requirements. Final configuration to be determined via City review and approval due to topographic and physical challenges.

Landscaping, tree canopy and open space

14. Existing landscaping will be maintained, and additional landscaping will be provided throughout the Project, as shown on the landscape plan. Landscaping will include preservation of canopy trees and the construction of water features that double as stormwater facilities. Walking trails will also be provided approximately where shown on the site plan.

15. A Type B buffer will be provided where the Subject Property abuts residentially zoned property along the western and southern boundaries of the Subject Property. Additional screening will be provided for the retaining wall where the expanded skilled nursing facility is adjacent to residential properties.
16. The anticipated total area of qualified open space in the entire Subject Property will equal or exceed 15% of the total land area of the Subject Property. The Project will comply with the Open Space Ordinance.
17. Areas of tree canopy preservation and enhancement are shown on the site plan. The Project will comply with the Tree Canopy Preservation Ordinance.

Modifications

18. The following modifications are allowed:

    City Code Sec. 7-8-42(d)(10): Sidewalks and walking surfaces may be less than 10 feet wide as and where shown on the approved site plan. In no case may sidewalks or walking surfaces be less than 5 feet wide.

City Standard Conditions

19. The building design, site design, construction materials, and orientation on site must substantially comply with the approved site plan and elevations for the Project, incorporated herein by reference, and the final approved site plan that is incorporated into the zoning permit. Any major deviations from these plans will require an amendment to the zoning designation of the Subject Property in accordance with UDO procedures.
20. All legally required local, state, and federal permits and approvals must be obtained prior to initiation of construction and any pertinent legal requirements shall be met. Site lighting shall comply with City of Asheville lighting standards, City Code Sec. 7-11-10.

21. Signage shall be separately permitted and shall comply with the City's sign ordinance for COMM zoning allowances (Article XIII of City Code Chapter 7).
22. Landscaping will be provided as shown on the landscape plan as incorporated herein by reference with a property line buffer, building impact landscaping, parking lot landscaping, tree save area, and street trees.
23. Except as modified herein, the Project shall comply with all conditions outlined in the TRC Staff Report.
24. Outdoor and special events shall be permitted separately through the City's standard process.
25. The Project will undergo final review by the TRC prior to issuance of any permits. Compliance with the items listed above will be required at that time except as allowed by the City Code.
26. A planning inspection is required prior to obtaining a certificate of occupancy and should be scheduled through the Development Services Center.

Agreed to and accepted this 24th Day of August, 2021 by the Property Owner/Applicant:

President / CEO

Owner/Applicant Signature

Exhibit D

375

OWNER: DEERFIELD EPISCOPAL RETIREMENT COMMUNITY
KEITH EINSMANN, 828-210-4559
APPLICANT: THW DESIGN, JOHN HARRELL, 770-916-2220
PREPARED BY: THW DESIGN

LEGEND

- SKILLED NURSING EXPANSION
  - 2 LEVELS
  - 26 UNITS
- BLUE RIDGE ROOM EXPANSION
  - MULTIPURPOSE ROOM
  - 9,000 SF
- PARKING DECK
  - 2 LEVELS
  - 128 TOTAL SPACES
- INDEPENDENT LIVING BUILDING
  - 5 LEVELS OVER PARKING
  - 90 UNITS
  - 90 UNDER BUILDING PARKING SPACES
- COMMUNITY CENTER EXPANSION
  - 3 LEVELS
  - 24 ASSISTED LIVING UNITS ABOVE COMMON SPACE
- HYBRID HOMES
  - 3 LEVELS OVER PARKING
  - 12 UNITS
  - 12 UNDER BUILDING PARKING SPACES
- FUTURE ASSISTED LIVING EXPANSION
  - 3 LEVELS
  - 51 UNITS
- FUTURE HYBRID HOMES
  - 3 LEVELS OVER PARKING
  - 12 UNITS
  - 12 UNDER BUILDING PARKING SPACES
- GROUNDS BUILDING

PROJECT DATA
A. CONTINUING CARE RETIREMENT COMMUNITY
B. DENSITY
- 90 INDEPENDENT LIVING UNITS
- 144 HYBRID HOME IL UNITS
- 234 TOTAL UNITS
- 6.2 UNITS PER ACRE

C. NON RESIDENTIAL SQUARE FOOTAGE
- PUBLIC/INSTITUTIONAL: 109,200 SF
- RECREATIONAL: 69,400 SF
- OTHER: 47,500 SF

D. BUILDING HEIGHTS
- 80' MAX. REQUIRED
- 95' PROPOSED AT IL BUILDING

E. PARKING
- +/-580 NEW SPACES
- INCLUDING +/-218 SURFACE SPACES

F. SETBACKS
- 35' SIDE (EAST, SOUTH, AND WEST)
- 30' LANDSCAPE BUFFER (EAST, SOUTH, & WEST)

G. ESTIMATED DISTURBED AREA
- +/-29 ACRES

H. ESTIMATED OPEN SPACE
- +/-29 ACRES

I. ESTIMATED IMPERVIOUS AREA
- +/-8 ACRES (21%)

J. MAXIMUM ROAD GRADE
- +/-12%

SITE DATA
DEERFIELD PHASE III EXPANSION
1617 HENDERSONVILLE ROAD, ASHEVILLE, NC 28806
PARCEL NO: 964589970*
CURRENT ZONING: RM-12 / INST
PROPOSED ZONING: COMM-EXP
TOTAL SITE AREA: +/-125 ACRES
PROJECT AREA: +/-37.75 ACRES

Deerfield

SCALE 1"=60'

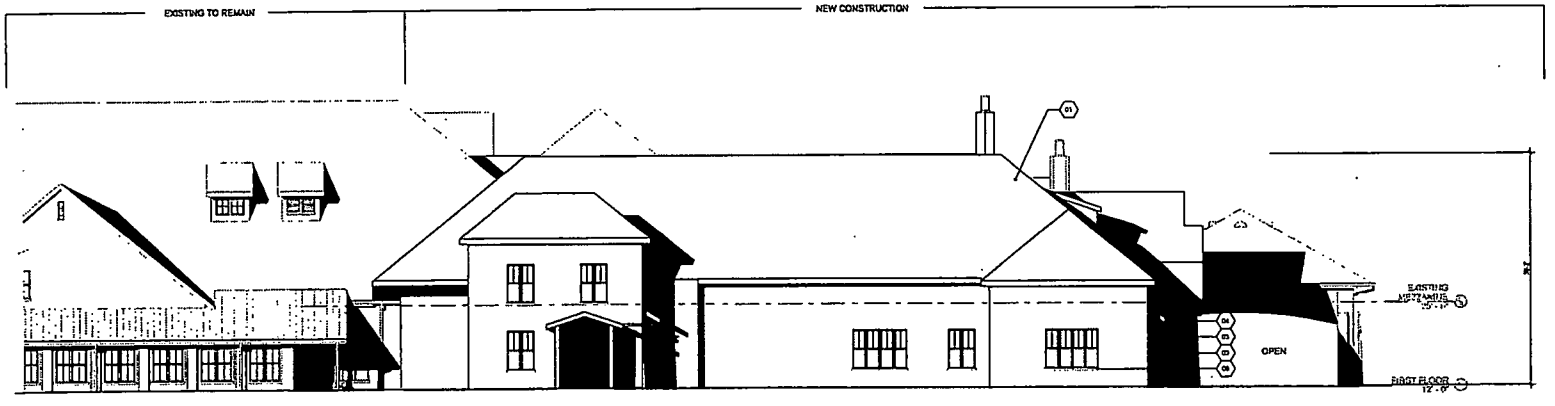
SITE PLAN

THW DESIGN

EXTERIOR ELEVATION KEYNOTE	
Note Number	Note Text
01	ASPHALT SHINGLE ROOF
02	SIDING
03	WATER-DRAINABLE EIFS
04	STANDING SEAM METAL ROOF
05	DECORATIVE BRACKET
06	ALUMINUM CLAD WINDOWS

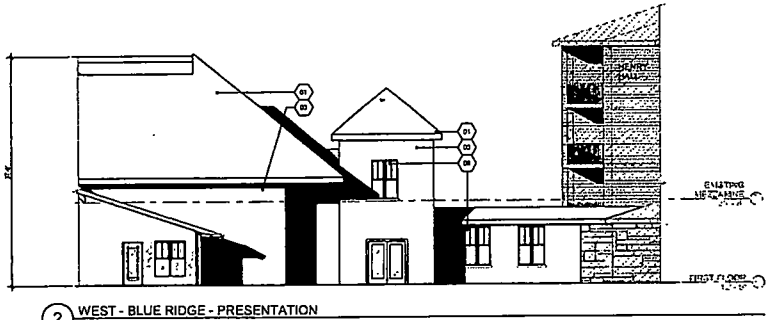
EXISTING TO REMAIN

ASPHALT SHINGLE ROOF

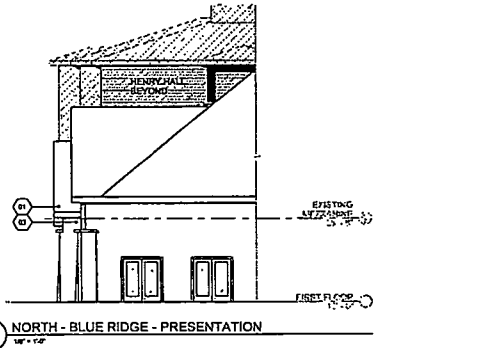


4 SOUTH - BLUE RIDGE - PRESENTATION
1/8" = 1'-0"

3 EAST - BLUE RIDGE - PRESENTATION
1/8" = 1'-0"



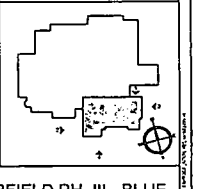
2 WEST - BLUE RIDGE - PRESENTATION
1/8" = 1'-0"



1 NORTH - BLUE RIDGE - PRESENTATION
1/8" = 1'-0"

0' 4' 8' 16' 32'

KEY PLAN



PROJ.	2019011	DEERFIELD PH. III - BLUE RIDGE ROOM
02/18/2021	THW DESIGN	BUILDING ELEVATIONS
FOR ZONING APPLICATION		BRR-01

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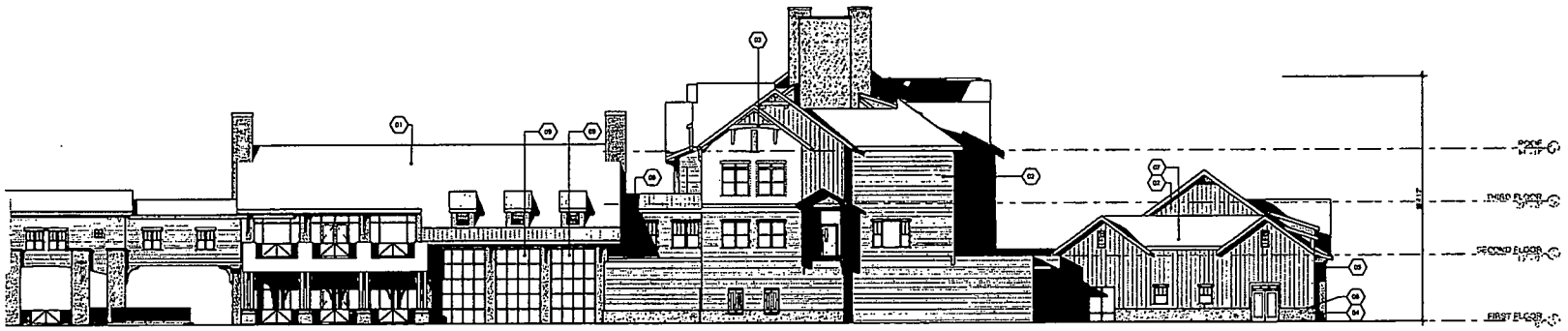
EXTERIOR ELEVATION KEYNOTE	
Note Number	Note Text
01	SHINGLE ROOF
02	SIDING
03	EIFS
04	BRICK VENEER
05	WOOD BRACKET
06	BRICK LEDGE
07	DECORATIVE LOUVER
08	ALUMINUM CLAD WOOD WINDOW
09	ALUMINUM STOREFRONT
11	MANUFACTURED STONE
12	BRICK VENEER

SHINGLE ROOF

SIDING

EIFS

BRICK VENEER



2 AL - NORTH - PRESENTATION
3/32" = 1'-0"

1 AL - EAST - PRESENTATION
3/32" = 1'-0"

KEY PLAN

0' 4' 8' 16' 32'

PROJ.	2019011	DEERFIELD PH. III - COMMUNITY CENTER/ ASSISTED LIVING
02/18/2021	THW DESIGN	BUILDING ELEVATIONS
FOR ZONING APPLICATION		CC/AL-01

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37

EXTERIOR ELEVATION KEYNOTE	
Note Number	Note Text
01	SHINGLE ROOF
02	SIDING
03	EIFS
04	BRICK VENEER
05	WOOD BRACKET
06	BRICK LEDGE
07	DECORATIVE LOUVER
08	ALUMINUM CLAD WOOD WINDOW
09	ALUMINUM STOREFRONT
11	MANUFACTURED STONE
12	BRICK VENEER

SHINGLE ROOF

SIDING

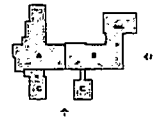
EIFS

BRICK VENEER

2 AL - SOUTH - PRESENTATION

1 AL - WEST - PRESENTATION

KEY PLAN



PROJ.	2019011	DEERFIELD PH. III - COMMUNITY CENTER/ ASSISTED LIVING
02/18/2021	THW DESIGN	BUILDING ELEVATIONS
FOR ZONING APPLICATION		CC/AL-02

0' 4' 8' 16' 32'

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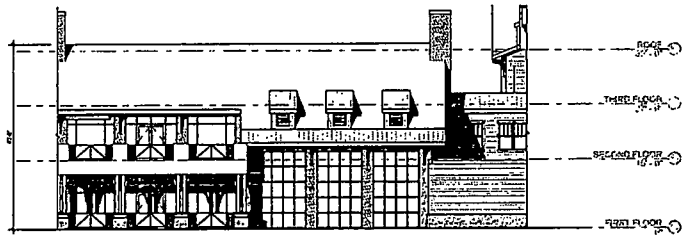
EXTERIOR ELEVATION KEYNOTE	
Note Number	Note Text
01	SHINGLE ROOF
02	SIDING
03	EIFS
04	BRICK VENEER
05	WOOD BRACKET
06	BRICK LEDGE
07	DECORATIVE LOUVER
08	ALUMINUM CLAD WOOD WINDOW
09	ALUMINUM STOREFRONT
11	MANUFACTURED STONE
12	BRICK VENEER

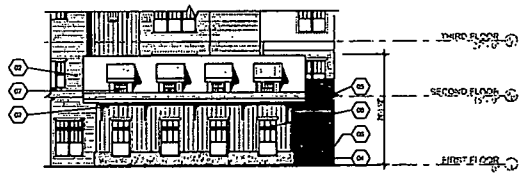
SHINGLE ROOF
SIDING
EIFS
BRICK VENEER

8 PUB NORTH - PRESTATION
3/32" = 1'-0"

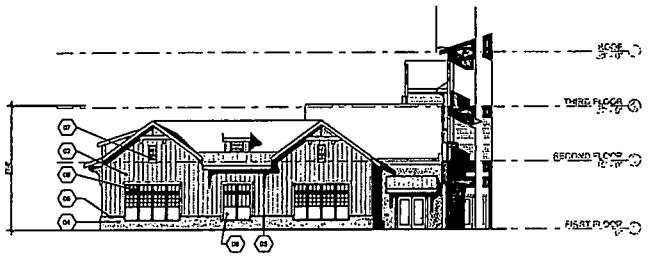
7 PUB - EAST - PRESTATION
3/32" = 1'-0"



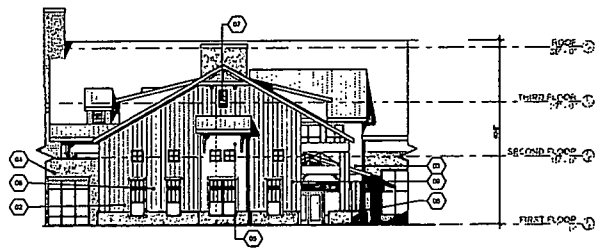
6 PUB - WEST - PRESTATION
3/32" = 1'-0"



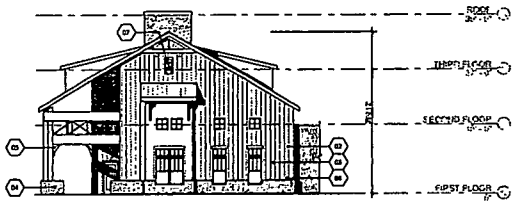
5 WOODSHOP - WEST - PRESTATION
3/32" = 1'-0"



4 WOODSHOP - SOUTH - PRESTATION
3/32" = 1'-0"



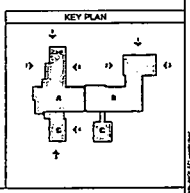
3 ART CENTER - SOUTH - PRESTATION
3/32" = 1'-0"



2 ART CENTER - NORTH - PRESTATION
3/32" = 1'-0"

1 ART CENTER - EAST - PRESTATION
3/32" = 1'-0"

KEY PLAN



PROJ.	2019011	DEERFIELD PH. III - COMMUNITY CENTER/ ASSISTED LIVING
02/18/2021	THW DESIGN	BUILDING ELEVATIONS
FOR ZONING APPLICATION		CC/AL-03

0' 4' 8' 16' 32'

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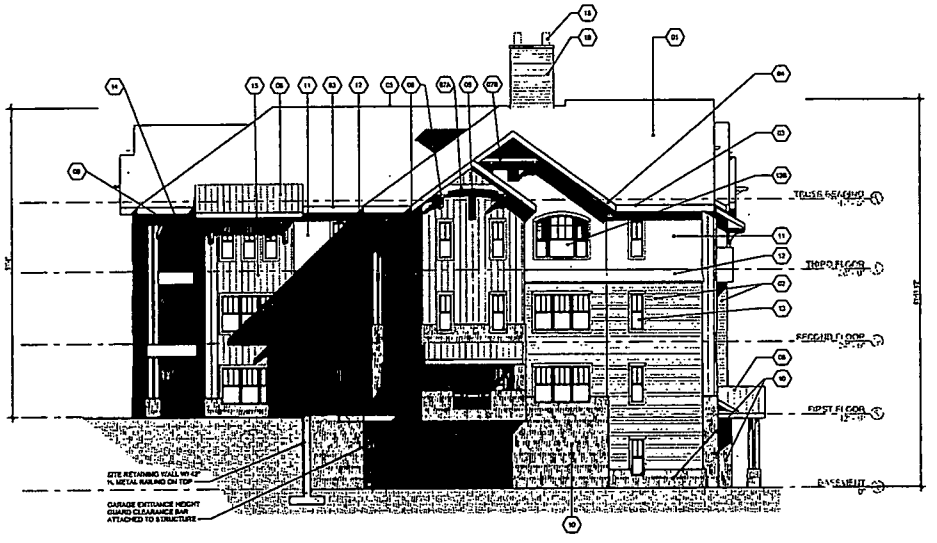
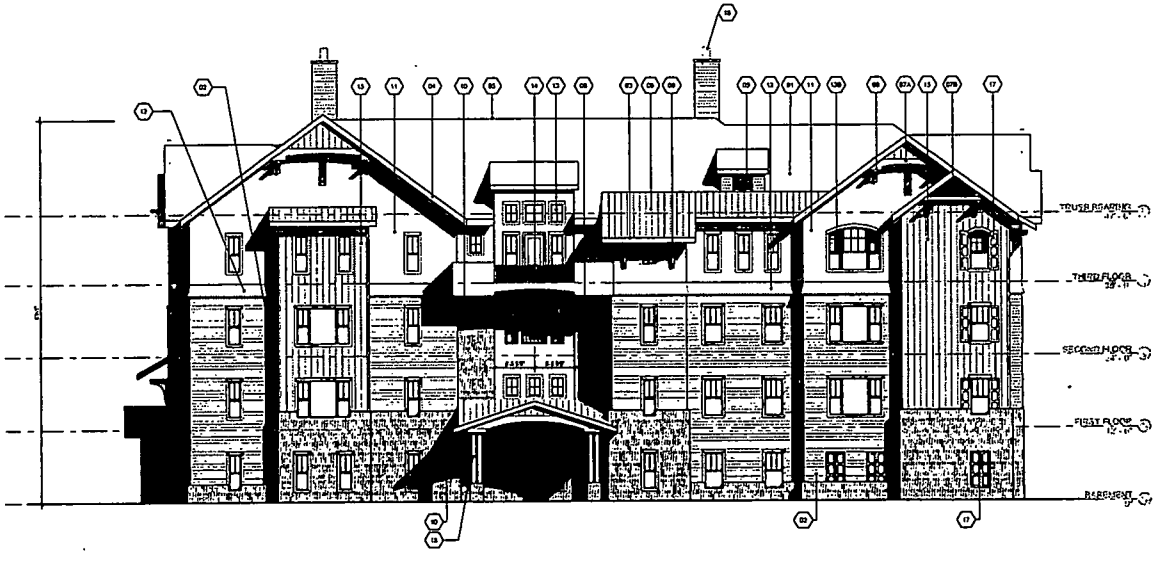
380



2 WEST EXTERIOR ELEVATION - BLDG.1 (BLDG. 2, O.H) - PRESENTATION
1/8" = 1'-0"



1 SOUTH EXTERIOR ELEVATION - BLDG. 1 (BLDG.2, O.H) Copy 1
1/8" = 1'-0"

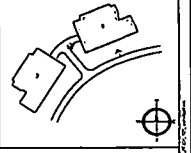
EXTERIOR ELEVATION KEYNOTE	
Note Number	Note Text
01	ASPHALT SHINGLE ROOFING SYSTEM
02	FIBER - CEMENT LAP SIDING
03	PRE-FIN. ALUMINUM GUTTER
04	5/4" X10" FIBER-CEMENT FASCIA ON 2X PT SUB- FASCIA, TYP.
05	RIDGE VENT
06	STANDING SEAM METAL ROOFING SYSTEM
07A	GABLE PEDIMENT 'A' (MOLDED MILLWORK) - FYPON OR EQUAL
07B	GABLE PEDIMENT 'A' (MOLDED MILLWORK) - FYPON OR EQUAL
08	DECORATIVE BRACKET (MOLDED MILLWORK) - FYPON OR EQUAL
09	DECORATIVE WALL LOUVER, TYP.
10	BRICK VENEER (CULTURED STONE AS ALTERNATE)
11	FIBER-CEMENT SHINGLE SIDING
12	SIDING WALL FLARE DETAIL
13	VINYL WINDOW UNIT, INSULATED, TYP.
13S	ARCHED VINYL WINDOW UNIT, INSULATED TYP.
14	ALUM. GUARDRAIL, 42"H.
15	FIBER-CEMENT BOARD AND BATTEN SIDING
16	DECORATIVE FAUX CHIMNEY POT
17	DECORATIVE WINDOW SHUTTER
18	DECORATIVE FIBERGLASS COLUMN WRAP
19	MECHANICAL VENT
20	SCHEDULED DOOR

FIBER - CEMENT LAP SIDING

BRICK VENEER

FIBER - CEMENT BOARD AND BATTEN SIDING

KEY PLAN



PROJ.	2019011	DEERFIELD PH. III - HYBRID HOME
02/18/2021	THW DESIGN	BUILDING ELEVATIONS
FOR ZONING APPLICATION		HH-01

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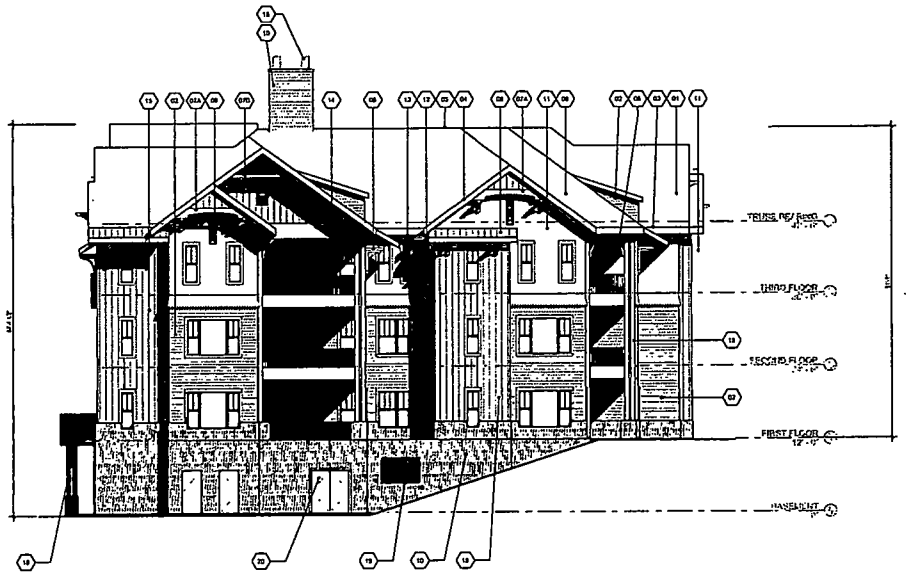
EXTERIOR ELEVATION KEYNOTE	
Note Number	Note Text
01	ASPHALT SHINGLE ROOFING SYSTEM
02	FIBER - CEMENT LAP SIDING
03	PRE-FIN. ALUMINUM GUTTER
04	5/4" X10" FIBER-CEMENT FASCIA ON 2X PT SUB- FASCIA, TYP.
05	RIDGE VENT
06	STANDING SEAM METAL ROOFING SYSTEM
07A	GABLE PEDIMENT 'A' (MOLDED MILLWORK) - FYPON OR EQUAL
07B	GABLE PEDIMENT 'A' (MOLDED MILLWORK) - FYPON OR EQUAL
08	DECORATIVE BRACKET (MOLDED MILLWORK) - FYPON OR EQUAL
09	DECORATIVE WALL LOUVER, TYP.
10	BRICK VENEER (CULTURED STONE AS ALTERNATE)
11	FIBER-CEMENT SHINGLE SIDING
12	SIDING WALL FLARE DETAIL
13	VINYL WINDOW UNIT, INSULATED, TYP.
13D	ARCHED VINYL WINDOW UNIT, INSULATED TYP.
14	ALUM. GUARDRAIL, 42"H.
15	FIBER-CEMENT BOARD AND BATTEN SIDING
16	DECORATIVE FAUX CHIMNEY POT
17	DECORATIVE WINDOW SHUTTER
18	DECORATIVE FIBERGLASS COLUMN WRAP
19	MECHANICAL VENT
20	SCHEDULED DOOR

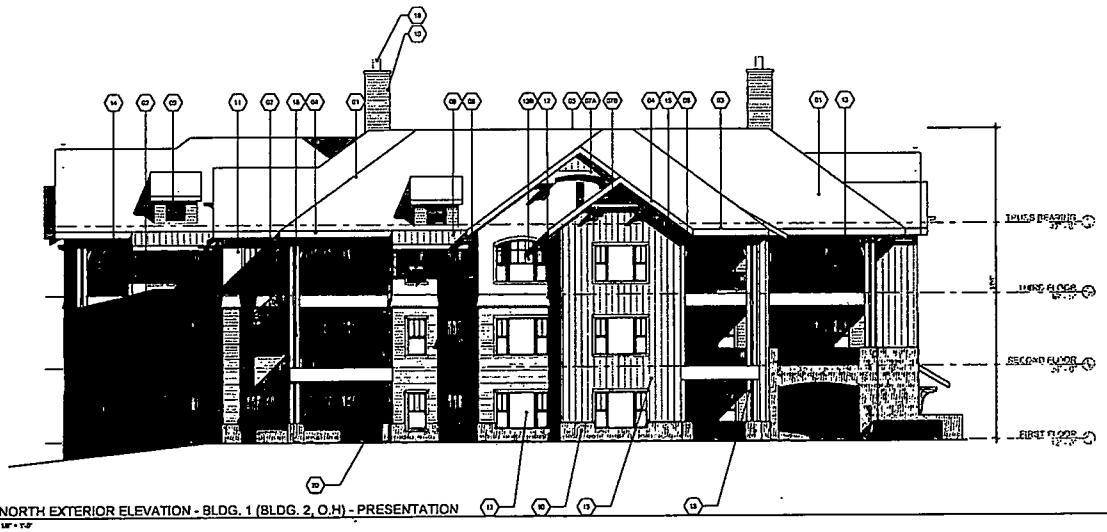
FIBER - CEMENT LAP SIDING

BRICK VENEER

FIBER - CEMENT BOARD AND BATTEN SIDING

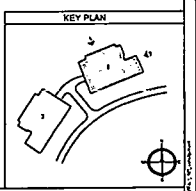


2 EAST EXTERIOR ELEVATION - BLDG. 1 (BLDG.2, O.H) - PRESENTATION



1 NORTH EXTERIOR ELEVATION - BLDG. 1 (BLDG. 2, O.H) - PRESENTATION

KEY PLAN



PROJ.	2019011	DEERFIELD PH. III - HYBRID HOME
02/18/2021	THW DESIGN	BUILDING ELEVATIONS
FOR ZONING APPLICATION		HH-02

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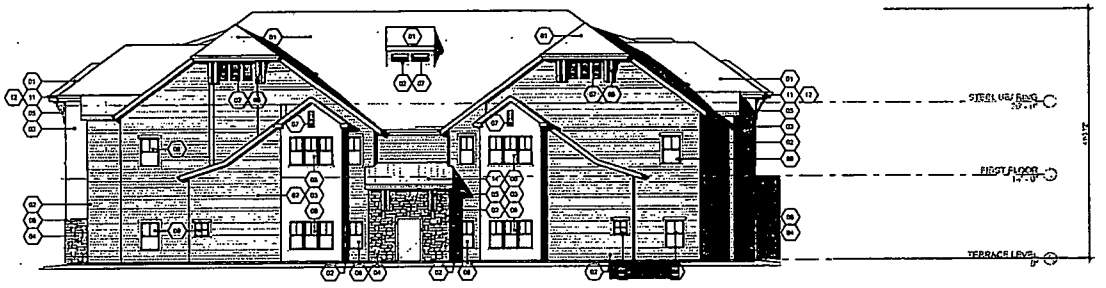
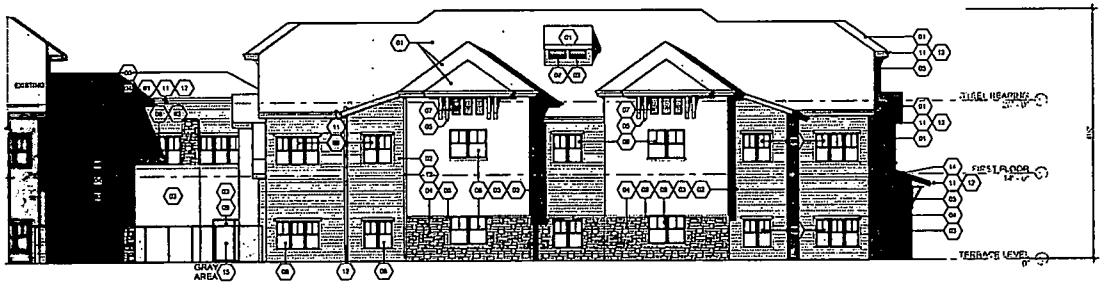
38

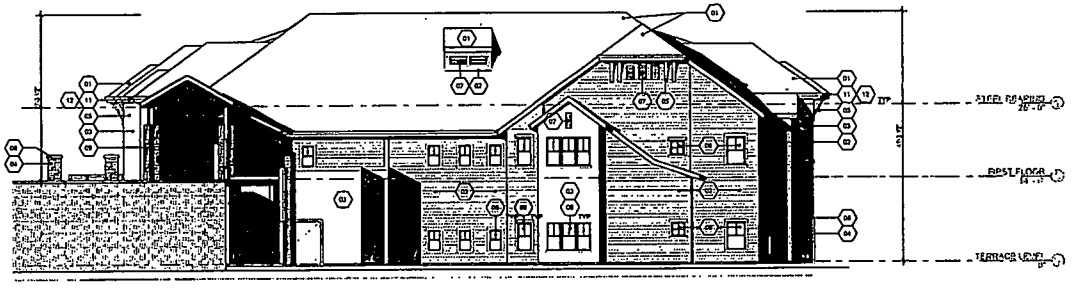
4 SOUTH ELEVATION - PRESENTATION



3 WEST ELEVATION - PRESENTATION



2 NORTH ELEVATION - PRESENTATION



1 EAST ELEVATION - PRESENTATION

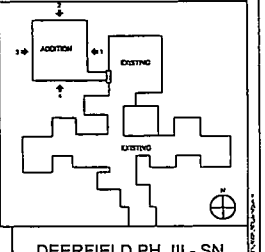
EXTERIOR ELEVATION KEYNOTE	
Note Number	Note Text
01	ASPHALT SHINGLE ROOF
02	FIBER-CEMENT SIDING
03	WATER-DRAINABLE EIFS
04	CAST STONE VENEER
05	DECORATIVE WOOD BRACKET
06	CAST STONE COPING
07	DECORATIVE LOUVER
08	ALUMINUM CLAD WOOD WINDOW
09	ALUMINUM STOREFRONT
11	ALUMINUM GUTTERS
12	ALUMINUM DOWNSPOUTS
14	METAL STANDING SEAM ROOF
15	6' DECORATIVE STEEL FENCE WITH 6' STONE WRAPPED COLUMNS. SEE LAND PLANNING NARRATIVE FOR MORE INFORMATION

ASPHALT SHINGLE ROOF

FIBER CEMENTITIOUS SIDING

CAST STONE VENEER

KEY PLAN



PROJ.	2019011	DEERFIELD PH. III - SN ADDITION
02/18/2021	THW DESIGN	BUILDING ELEVATIONS
FOR ZONING APPLICATION		SN-01

0' 4' 8' 16' 32'

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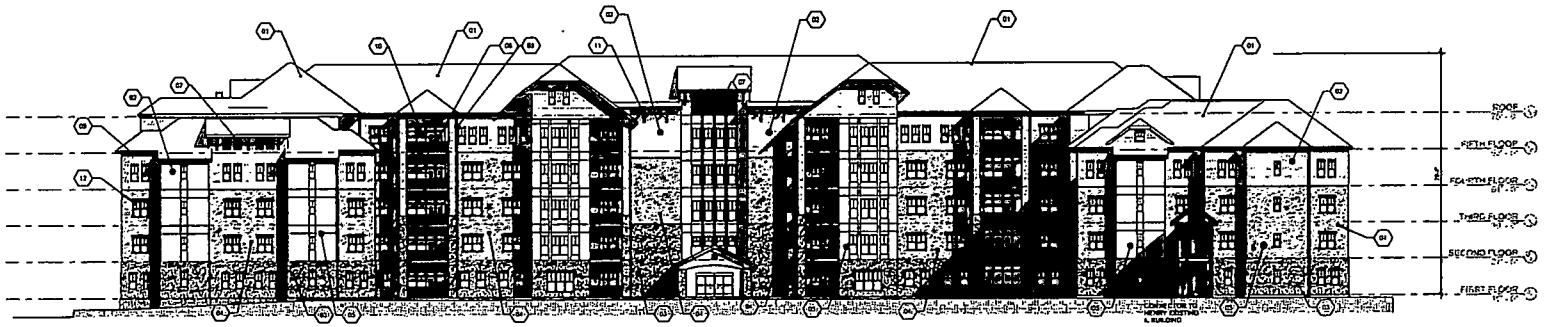
ELEVATION KEYNOTES

NUMBER	DESCRIPTION
01	ASPHALT SHINGLE
02	CEMENTITIOUS LAP SIDING
03	MANUFACTURED STONE VENEER
04	CEMENTITIOUS SHINGLE SIDING
05	E.I.F.S.
06	ALUMINUM AWNING
07	LOUVERS
08	DOWNSPOUT
09	GUTTER
10	STORM PANEL
11	DECORATIVE BRACKET TYP.
12	WOOD TRIM DOUBLE HUNG WINDOW

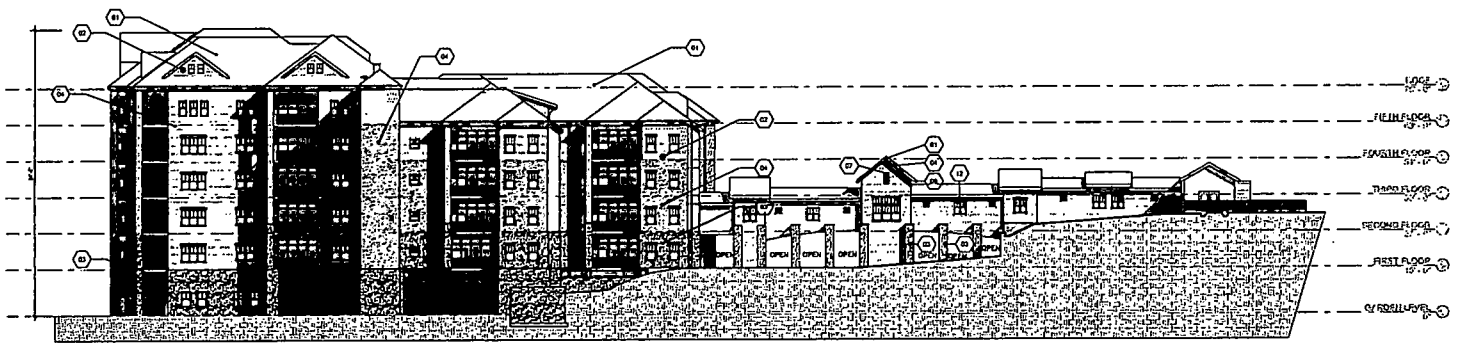
CEMENTITIOUS LAP SIDING

MANUFACTURED STONE VENEER

CEMENTITIOUS SHINGLE SIDING

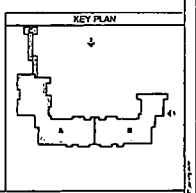


2 NORTH OVERALL ELEVATION - PRESENTATION
1/16" = 1'-0"



1 EAST OVERALL ELEVATION - PRESENTATION
1/16" = 1'-0"

KEY PLAN



0' 4' 8' 16' 32'

PROJ.	2019011	DEERFIELD PH. III - INDEPENDENT LIVING
02/18/2021	THW DESIGN	BUILDING ELEVATIONS
FOR ZONING APPLICATION		IL-01

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383

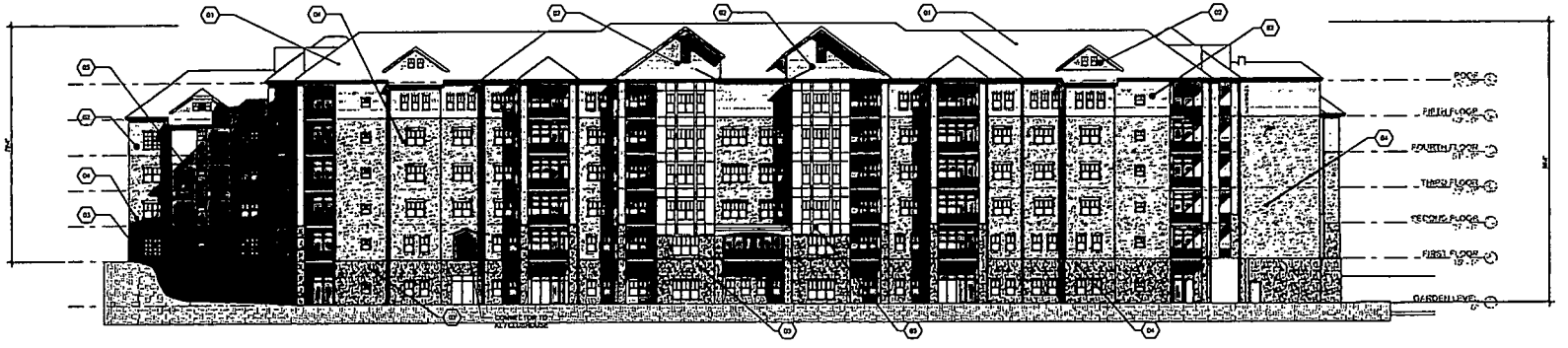
384

ELEVATION KEYNOTES	
NUMBER	DESCRIPTION
01	ASPHALT SHINGLE
02	CEMENTITIOUS LAP SIDING
03	MANUFACTURED STONE VENEER
04	CEMENTITIOUS SHINGLE SIDING
05	E.I.F.S.
06	ALUMINUM RAILING
07	SKYLIGHT
08	DOWNSPOUT
09	GUTTER
10	STOREFRONT
11	DECORATIVE BRACKET TYP.
12	WOOD TRIM DOUBLE HUNG WINDOW

CEMENTITIOUS LAP SIDING

MANUFACTURED STONE VENEER

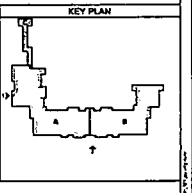
CEMENTITIOUS SHINGLE SIDING



2 SOUTH OVERALL ELEVATION - PRESENTATION
1/16" = 1'-0"

1 WEST OVERALL ELEVATION - PRESENTATION
1/16" = 1'-0"

KEY PLAN



PROJ.	2019011	DEERFIELD PH. III - INDEPENDENT LIVING
02/18/2021	THW DESIGN	BUILDING ELEVATIONS
FOR ZONING APPLICATION		IL-02

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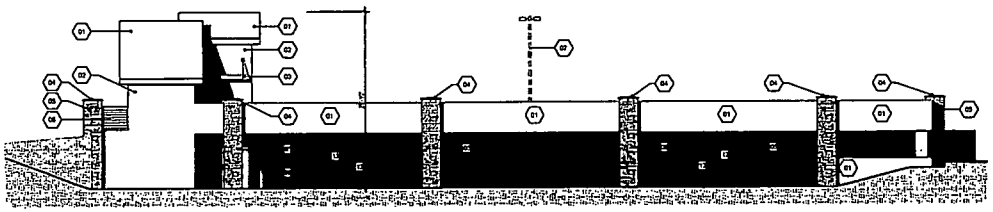
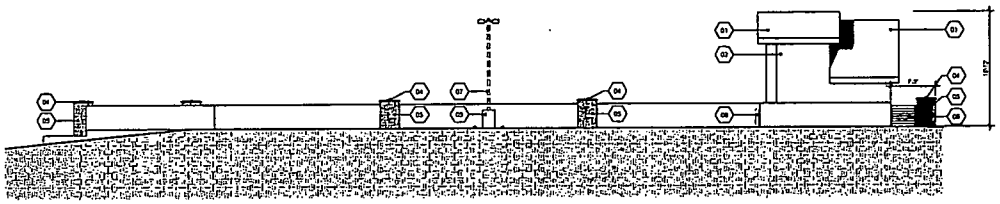
ELEVATION KEYNOTES	
Note Number	Note Text
01	ASPHALT SHINGLE ROOFING SYSTEM
02	WATER-DRAINABLE DEIFS
03	METAL CANOPY WITH PERIMETER GUTTER
04	PRECAST COPING
05	STACKED STONE COLUMN
06	DECORATIVE METAL RAILING
07	LIGHT POLE
08	CONCRETE BOLLARD
09	CONCRETE LAMP POST BASE
10	VINYL WINDOW UNIT, INSULATED, TYP.
11	DECORATIVE WALL LOUVER, TYP.
12	GARAGE ENTRANCE HEIGHT CLEARANCE BAR
13	CONTINUOUS TRENCH DRAIN

ASPHALT SHINGLE ROOFING SYSTEM

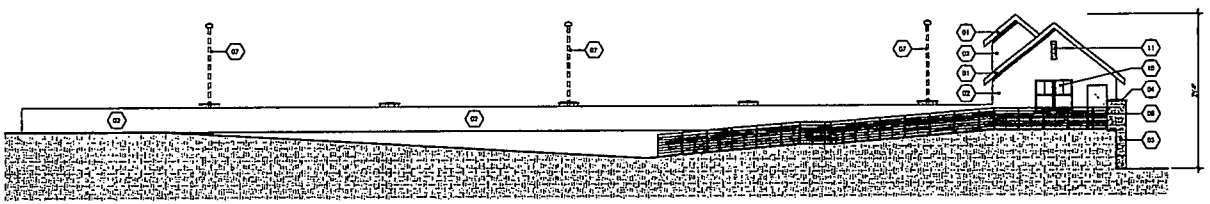
STACKED STONE COLUMN



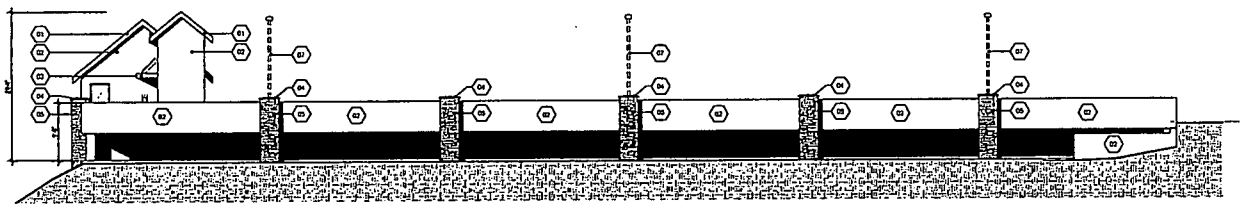
4 WEST - PRESENTATION
1/8" = 1'-0"



3 EAST - PRESENTATION
1/8" = 1'-0"

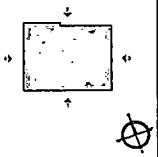


2 NORTH - PRESENTATION
1/8" = 1'-0"



1 SOUTH - PRESENTATION
1/8" = 1'-0"

KEY PLAN



PROJ.	2019011	DEERFIELD PH. III - PARKING DECK
02/18/2021	THW DESIGN	BUILDING ELEVATIONS
FOR ZONING APPLICATION		PD-01

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38

386

ORDINANCE NO. 4398 14898

ORDINANCE ESTABLISHING CONDITIONAL ZONING FOR PROPERTIES LOCATED AT 144 AND 159 RIVERSIDE DRIVE

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this proposed amendment is consistent with the *Living Asheville - A Comprehensive Plan for our Future* and is determined to be reasonable, and in the public interest for the following reasons:

a) Supports infill development in a strategically located area,
b) Increases the supply of housing, including affordable housing,
c) Expands opportunities for bike and pedestrian access to businesses, parks and open spaces,
d) Provides green stormwater infrastructure improving community resilience,
e) Develops an underutilized property (brownfield site),
f) Preserves historic structures.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

The zoning classification of that certain real property described in Exhibit A and identified on Buncombe County tax maps as PINs 9638-88-8040 and 9638-88-9364, and recorded in Deed Books 4458 and 1885, Pages 1799 and 724, and currently owned by Riverlink Inc., from River Arts District-Open Space (RAD-OSP) and River Arts District-River (RAD-RIV) to River Arts District-Open Space, Conditional Zone (RAD-OSP CZ) and Commercial Expansion-Conditional Zone (COM EXP-CZ). A copy of the official zoning map showing said lots is attached hereto as Exhibit "A.1" and made a part hereof. Said rezoning is subject

to the conditions set out in Exhibit "E", and substantially compliant with the site plan(s) and elevations as shown on Exhibit D attached hereto and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. The ordinances shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 5. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 24th day of August, 2021.

Magdalen Bowlerson
City Clerk

Esther E M
Mayor

Approved as to form:

City Attorney

Magdalen Bowlerson
City Clerk

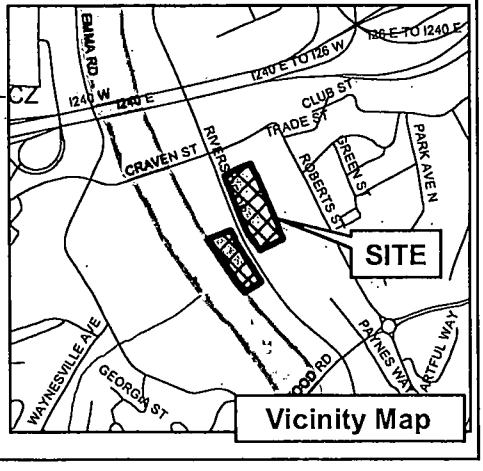
City of Asheville
Exhibit A1 Map - Proposed Zoning
Conditional Rezoning Petition - 144 & 159 Riverside Dr.

ASHEVILLE

N W E S

Project Name: 159 Riverside Dr.
Project Number: 21 - 01881 PZ
Project Description: CZ from RAD RIV to COM EXP-CZ & RAD OSP to RAD OSP-CZ
Petitioner(s): Brennan Smith
Parcel ID Number(s): 9638-88-9364 & 8040

Location/Address: 159 Riverside Dr.



Project Site
Zoning Districts
Parcels
Streets
Asheville City Limits
River Areas

City of Asheville Planning and Urban Design Department - February 2020

Exhibit E - Project Conditions
159 Riverside Drive

1. The properties included in the rezoning are shown on the site plan and located at 144 and 159 Riverside Drive and identified in the Buncombe County tax record as PINs 9638-88-8040 & 9364.

2. Pursuant to this ordinance, 159 Riverside Dr. is zoned Commercial Expansion - Conditional Zone. The 144 Riverside Drive property, located across the street, is included in the development only for compliance with the Tree Canopy Preservation ordinance, and is zoned River Arts District Open Space - Conditional Zone. Future development of the 144 Riverside Drive property is limited to those uses permitted in the RAD-OSP zoning, and subject to the technical and review process standards set forth in the UDO, and the design and operational standards set forth in the River Arts District Form District without requiring rezoning of that parcel or amending the conditional zoning ordinance.

3. As indicated by the project elevations, the project proposes a multi-story mixed use building built on top of a non-occupiable podium on the ground level. Total building height to be 70' exclusive of code allowable overruns for parapets elevators, stairwells, etc.

4. The project proposes up to 134 residential units and 14,000 SF of retail/commercial space.

5. The project shall provide 5% of the residential units deed restricted to 80% Area Mean Income (AMI) for 20 Years.

6. The total project area is approximately 2.95 acres for 159 Riverside Drive.

7. As indicated by the site plan, setbacks for the project will comply with the River Arts Form District code, Sec. 7-8-29, setback standards.

8. All required landscape planting calculations are included. Required plantings shall meet the UDO standards and recommended species list as indicated in the Tree & Shrub List for Damp Sites and River District.

9. As indicated by the site plan and in accordance with the tree canopy preservation requirements, UDO Sec. 7-18-2 (b), the development shall meet the tree canopy requirements by planting trees throughout the development including the 144 Riverside Drive property (Buncombe County tax records PIN 9638-88-8040), with the Approved Tree Canopy Plan to be recorded with the Buncombe County Register of Deeds.

10. Sidewalks:
    a. Existing sidewalk along the 159 parcel's Riverside Drive frontage will be widened to a minimum width of 8'.
    b. Proposed development will provide internal sidewalks a minimum of 6' wide.

11. Vehicular Access:
    a. The project proposes two (2) one-way vehicular driveway connections from Riverside Drive to the 159 Riverside Drive parcel.

12. Parking: The following further describes the developer's off-street parking program on 159 Riverside Drive:
    a. Parking will be provided for all retail/commercial uses in accordance with the City of Asheville UDO.
    b. Parking will be provided for all residential units in accordance with the City of Asheville UDO.

13. Design and Operational Standards:
    a. Proposed building has breaks in the structure every 200' to meet the maximum street facing façade length. These breaks are a minimum of 15' wide and 15' deep. The first habitable level above the parking podium has a break that is no less than 11' in clear height to the structure and provides full transparency (daylight) through the building. The building will enclose this punch through with storefront glass for resident security purposes, ease of residents' use and HVAC considerations. The development provides residential balconies within the façade breaks at the 2nd and 5th levels above the podium parking.

14. The project includes the adaptive reuse of the remaining historic Cotton Mill Building and smokestack.

15. The project includes multiple "green" features:
    a. a "green roof" over the Mill Building (approximately 2,000 square feet),
    b. rainwater harvesting and reuse from the Mill Building, and
    c. retaining the RAD-OSP zoning of the 144 Riverside Drive site.

16. Signage shall be permitted separately and shall comply with requirements of the River Arts Form District code, Sec. 7-8-29. No signage shall be placed on the historic smoke stack.

17. Except as modified herein, the project shall comply with all conditions outlined in the TRC Staff Report.

18. The Project will undergo final review by the TRC prior to issuance of any permits. Compliance with the items listed above will be required at that time except as allowed by the City Code, or as follows:
    a. As shown on the elevations, a multi-story mixed use building with a total building height to be 70' exclusive of code allowable overruns for parapets elevators, stairwells, etc.
    b. As required to meet NC fire lane access requirements, the driveways for 159 Riverside Drive will be 26' in width, and
    c. The building length will be over 400' long without pass-through openings.

19. All proposed site and exterior building lighting to meet the outdoor lighting requirements found in UDO Sec. 7-11-10 except when those requirements are at variance with the River Arts Form District code, Sec. 7-8-29, requirement then in such instances the River Arts Form District requirements shall apply.

20. The building design, site design, and orientation on site must substantially comply with the approved site plan and elevation which are incorporated herein by reference. Minor modifications to the approved site plan may be reviewed and approved administratively provided that they do not involve a change in permitted uses, changes in overall density or

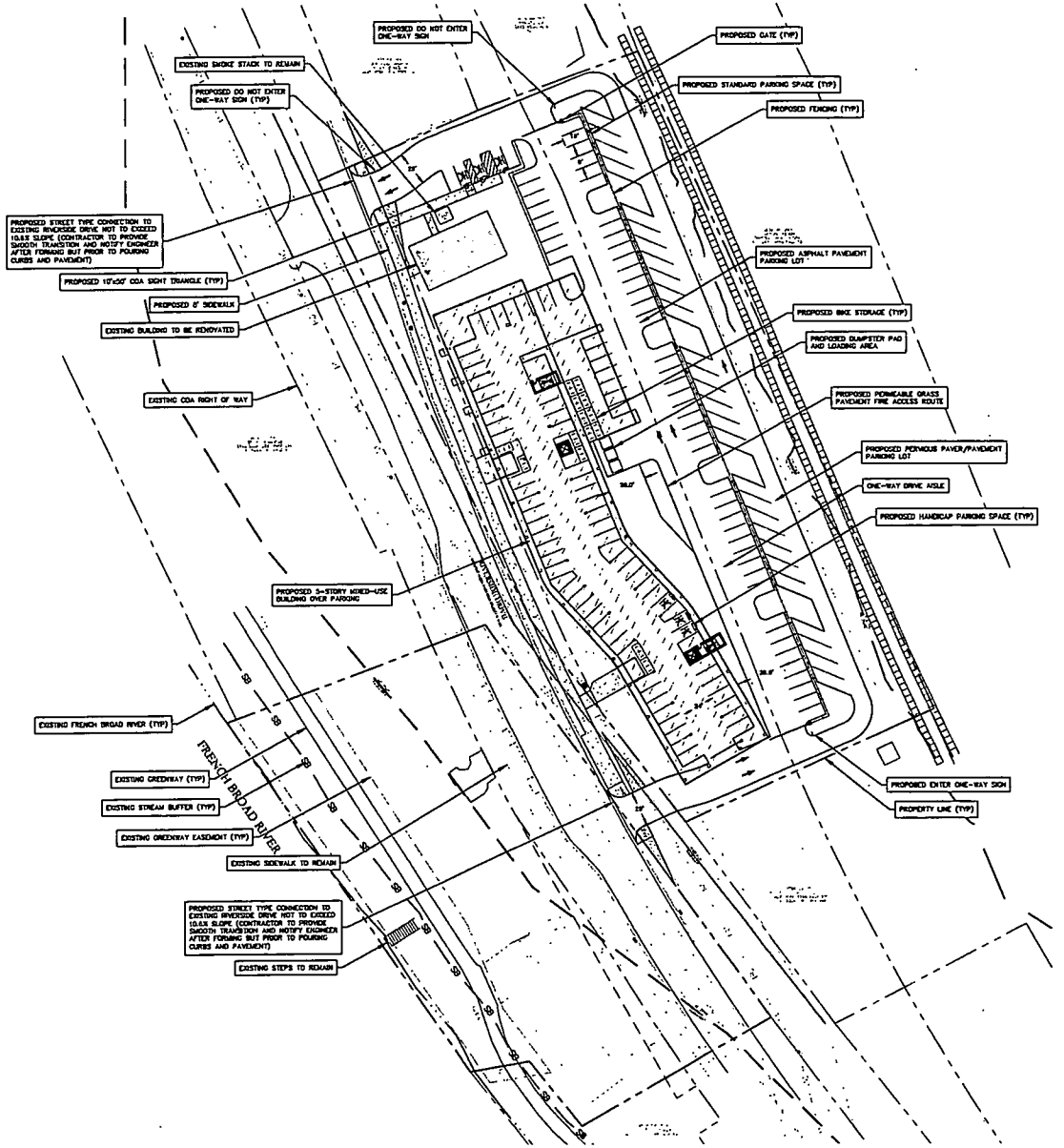
substantial changes to the configuration of the development that affect the operation or impacts of the development.

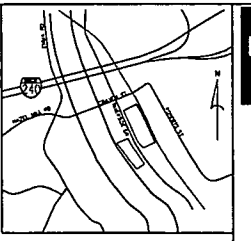
21. All legally required local, state, and federal permits and approvals must be obtained prior to initiation of construction and any pertinent legal requirements shall be met.

22. The conditional zoning will be valid for a period of three (3) years from the date of approval by City Council. If a building permit is not obtained within three (3) years, the approval will no longer be valid if extension is not granted.

Agreed to and Accepted this 24th Day of August by the Property Owner/Applicant:

Owner/Applicant Signature





VICINITY MAP

(NOT TO SCALE)

DEVELOPMENT DATA

OWNER/DEVELOPER:	BRN DEVELOPMENT, LLC 301 W PLATT ST, #144 TAMPA, FL 33606
CONTACT:	BRENNAN SMITH ——
CIVIL ENGINEER:	CIVIL DESIGN CONCEPTS, P.A. 198 PATTON AVENUE ASHEVILLE, NC 28801
CONTACT:	WARREN GUDO, P.E. (828) 253-3398
SURVEYOR:	ED HOLMES & ASSOCIATES 300 MONTFIELD CT #301 ASHEVILLE, NC 28806
CONTACT:	JOE KANE, P.L.S. (828) 225-6582
ARCHITECT:	BECK GROUP 4777 SHARON ROAD, SUITE 800 CHARLOTTE, NC 28210
CONTACT:	JOE HARRINGTON (980) 243-2401

PROJECT DATA

PIN:	9638-88-8040	9638-88-6384
ADDRESS:	144 RIVERSIDE DRIVE	159 RIVERSIDE DRIVE
DEED BOOK/PAGE:	4458/1798	1885/724
SITE ACREAGE:	1.83 ACRES	2.93 ACRES
EXISTING ZONING:	RAD-CSP	RAD-MIV
PROPOSED ZONING:	N/A	RAD-MIV CZ
SETBACKS:	RAD-CSP:	RAD-MIV:
FRONT:	0'	0'*
SIDE (MIT):	0'	0'
REAR:	0'	0'

*If RAD-MIV FRONT SETBACK PER SEC. 7-8-29 2.7 (C); R/W 315' FROM BOC

DISTURBED AREA:	0.4 AC	2.4 AC

TOTAL PROJECT DISTURBED: 2.8 ACRES

USES: 134 RESIDENTIAL UNITS AND 14,000 SF RETAIL/COMMERCIAL

PARKING CALCULATIONS:

VEHICULAR:

REQUIRED SPACES:	.75 SPACES PER UNIT):	101 SPACES
	1/250 SF FOOD AND BEV:	36 SPACES
TOTAL PARKING REQUIRED:		137
159 RIVERSIDE SECURED SPACES:		124
159 RIVERSIDE UNSECURED SPACES:		33
TOTAL PARKING PROVIDED:		157

HANDICAPPED SPACES:
SPACES REQUIRED: 6 SPACES PROVIDED: 6

BICYCLE: .5 PER 3 BED UNIT + .25 PER ADDITIONAL ROOM-FINAL TBD
1/2000 SF RETAIL
AMOUNT REQUIRED: 75 AMOUNT PROVIDED: 75

BUILDING DATA:

DESCRIPTION	HEIGHT	GFA
5 STORY ONLY PODIUM	70' MAX	±140,800 SF
EXISTING BUILDING	23'	±4400 SF

IMPERVIOUS CALCULATIONS:

	IMPERVIOUS	PERVIOUS
159 RIVERSIDE		
PRE-DEVELOPMENT:	0.83 ACRES (28%)	2.13 ACRES (72%)
POST-DEVELOPMENT:	2.16 ACRES (74%)	0.77 ACRES (26%)
144 RIVERSIDE	IMPERVIOUS	PERVIOUS
PRE-DEVELOPMENT:	0.32 ACRES (18%)	1.51 ACRES (81%)
POST-DEVELOPMENT:	0.32 ACRES (19%)	1.51 ACRES (81%)
TOTAL PROJECT	IMPERVIOUS	PERVIOUS
PRE-DEVELOPMENT:	1.15 ACRES (23%)	3.45 ACRES (75%)
POST-DEVELOPMENT:	2.58 ACRES (54%)	2.18 ACRES (46%)

CDC INSPECTIONS HOTLINE:
828-771-1733 OR INSPECTION@CDCGO.COM

811 Know what's below. Call before you dig.

NORTH

SITE PLAN

GRAPHIC SCALE

(IN FEET)
1 inch = 40 ft.

BECK

CDC CIVIL DESIGN CONCEPTS, P.A.

NO.	DATE	DESCRIPTION	BY
1	03/17/2021	CONCEPTUAL CZ SUBMITTAL	SDB
2	5/12/2021	CDA DESIGN REVIEW COMMENTS	SDB
3	5/18/2021	SITE REVISIONS	SDB
4	6/25/2021	UPDATED CZ SUBMITTAL	SDB

FOR REVIEW ONLY

PRELIMINARY NOT RELEASED FOR CONSTRUCTION

SITE PLAN FOR:

144/159 RIVERSIDE

BRN DEVELOPMENT, LLC - ASHEVILLE, NORTH CAROLINA

DRAWN BY: AMP
CDC PROJECT NO.: 12017
XXX PERMIT NO.:

SHEET

C201

TREE CANOPY COVERAGE

144 RIVERSIDE DRIVE:

TREE CANOPY COVERAGE DATA					
RESOURCE MANAGEMENT DISTRICT	SUBURBAN				
EXISTING TREE CANOPY	22%				
PROPOSED TREE CANOPY	PRESERVED	PLANTED	PAYMENT-IN-LIEU	TOTAL	
	22% (15,812 SF)	0%	0%	22% (15,812 SF)	

159 RIVERSIDE DRIVE:

TREE CANOPY COVERAGE DATA					
RESOURCE MANAGEMENT DISTRICT	URBAN				
EXISTING TREE CANOPY	22%				
PROPOSED TREE CANOPY	PRESERVED	PLANTED	PAYMENT-IN-LIEU	TOTAL	
	0%	12% (18,320 SF)	0%	12% (18,320 SF)	

NOTES:

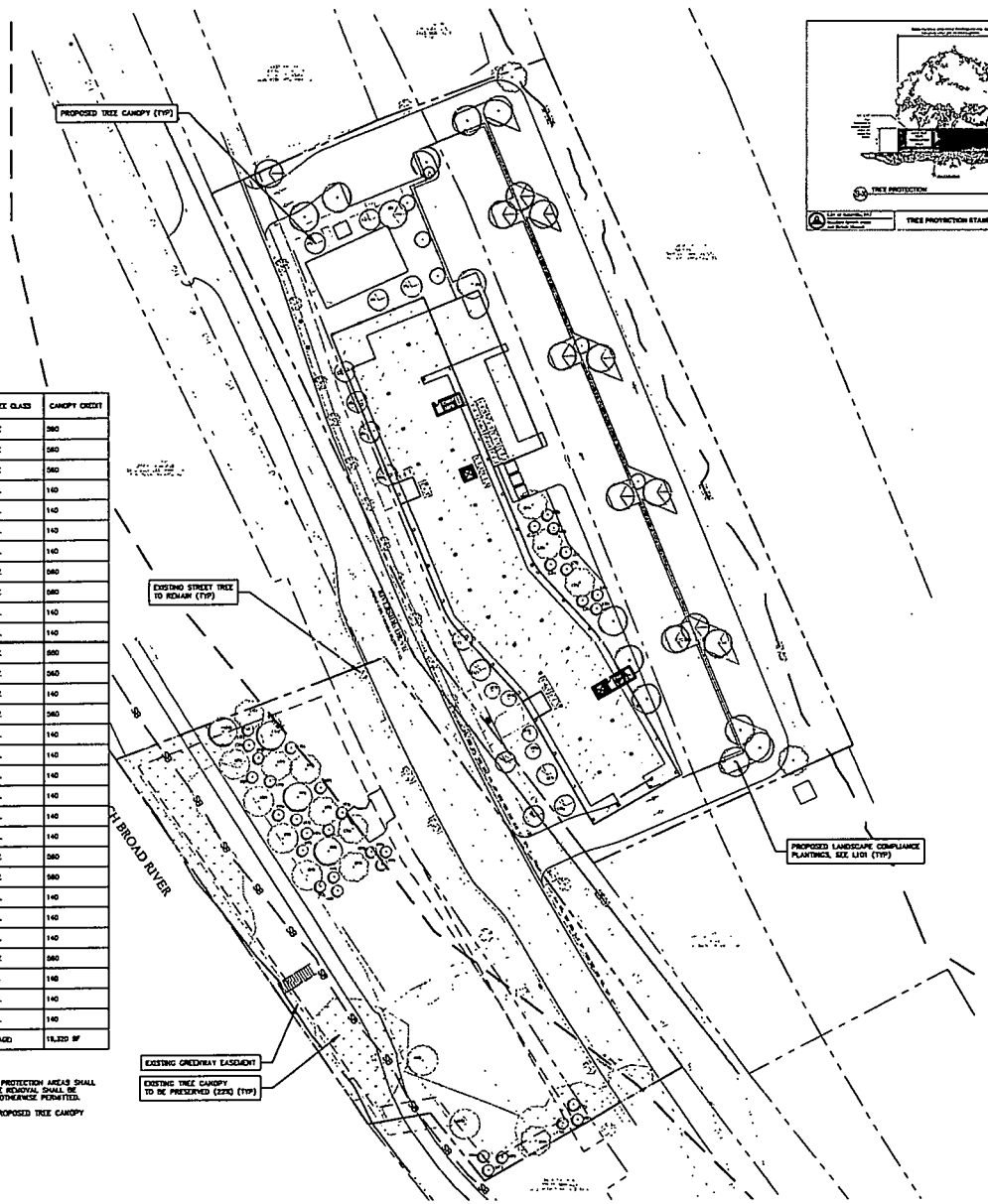
REQUIRED 12% CANOPY COVERAGE FOR 159 RIVERSIDE DRIVE IS PROVIDED VIA PROPOSED TREES ON BOTH PROJECT PARCELS. PROPOSED CANOPY COVERAGE IS PROVIDED AS FOLLOWS, 3% (6,300 SF) LOCATED AT 159 RIVERSIDE DRIVE AND 10% (12,020 SF) LOCATED AT 144 RIVERSIDE DRIVE.

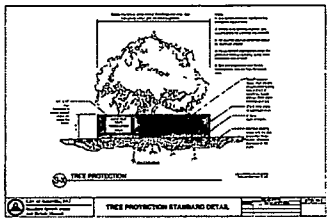
PROPOSED TREE CANOPY			
TREE #	SPECIES	TREE CLASS	CANOPY CREDIT
1	HORNBEAM	SMALL	140
2	HORNBEAM	SMALL	140
3	HONEYLOCUST	LARGE	560
4	HORNBEAM	SMALL	140
5	HORNBEAM	SMALL	140
6	SYCOTCHAN	LARGE	560
7	HORNBEAM	SMALL	140
8	HORNBEAM	SMALL	140
9	HORNBEAM	SMALL	140
10	HORNBEAM	SMALL	140
11	HORNBEAM	SMALL	140
12	HORNBEAM	SMALL	140
13	MAGNOLIA	SMALL	140
14	MAGNOLIA	SMALL	140
15	MAGNOLIA	SMALL	140
16	MAGNOLIA	SMALL	140
17	HORNBEAM	SMALL	140
18	HORNBEAM	SMALL	140
19	BIRCH	LARGE	560
20	BIRCH	LARGE	560
21	BIRCH	LARGE	560
22	SERVICEBERRY	SMALL	140
23	SERVICEBERRY	SMALL	140
24	SERVICEBERRY	SMALL	140
25	SERVICEBERRY	SMALL	140
26	SERVICEBERRY	SMALL	140
27	SERVICEBERRY	SMALL	140
28	SERVICEBERRY	SMALL	140
29	SERVICEBERRY	SMALL	140
30	SERVICEBERRY	SMALL	140
31	BALD CYPRESS	LARGE	560
32	BIRCH	LARGE	560
33	SERVICEBERRY	SMALL	140
34	SERVICEBERRY	SMALL	140
35	SERVICEBERRY	SMALL	140
36	BALD CYPRESS	LARGE	560
37	OAK	LARGE	560
38	SERVICEBERRY	SMALL	140
39	SERVICEBERRY	SMALL	140
40	BIRCH	LARGE	560
41	SERVICEBERRY	SMALL	140
42	OAK	LARGE	560
43	BIRCH	LARGE	560
44	BALD CYPRESS	LARGE	560
45	SERVICEBERRY	LARGE	560
46	SERVICEBERRY	SMALL	140
47	SERVICEBERRY	SMALL	140
48	SERVICEBERRY	SMALL	140
49	SERVICEBERRY	SMALL	140
50	OAK	LARGE	560
51	BIRCH	LARGE	560
52	SERVICEBERRY	SMALL	140
53	SERVICEBERRY	SMALL	140
54	OAK	LARGE	560
55	BALD CYPRESS	LARGE	560
56	BIRCH	LARGE	140
57	BIRCH	LARGE	560
58	SERVICEBERRY	SMALL	140
59	SERVICEBERRY	SMALL	140
60	SERVICEBERRY	SMALL	140
61	SERVICEBERRY	SMALL	140
62	SERVICEBERRY	SMALL	140
63	SERVICEBERRY	SMALL	140
64	OAK	LARGE	560
65	OAK	LARGE	560
66	SERVICEBERRY	SMALL	140
67	SERVICEBERRY	SMALL	140
68	SERVICEBERRY	SMALL	140
69	BIRCH	LARGE	560
70	SERVICEBERRY	SMALL	140
71	SERVICEBERRY	SMALL	140
72	SERVICEBERRY	SMALL	140
TOTAL PROPOSED TREE CANOPY COVERAGE:			18,320 SF

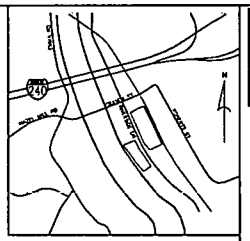
NOTES:

AREAS DESIGNATED AS TREE CANOPY PROTECTION AREAS SHALL REMAIN AS SUCH IN PERPETUITY. TREE REMOVAL SHALL BE PROHIBITED IN THESE AREAS UNLESS OTHERWISE PERMITTED.

SEE L101 FOR PLANT SCHEDULE OF PROPOSED TREE CANOPY COVERAGE







VICINITY MAP
(NOT TO SCALE)

DEVELOPMENT DATA

OWNER/DEVELOPER:	BRM DEVELOPMENT, LLC 301 W PLATT ST, #144 TAMPA, FL 33606 BRENNAN BRIN
CONTACT:	—
CIVIL ENGINEER:	CIVIL DESIGN CONCEPTS, P.A. 168 PATTON AVENUE ASHEVILLE, NC 28801
CONTACT:	WARREN SUGG, P.E. (828) 253-3398
SURVEYOR:	ED HOLMES & ASSOCIATES 300 ROCKFIELD CT #301 ASHEVILLE, NC 28805
CONTACT:	JOE KANE, P.L.S. (828) 225-6342
ARCHITECT:	BECK GROUP 4777 SHARON ROAD, SUITE 300 CHARLOTTE, NC 28210
CONTACT:	JOE HARRINGTON (980) 263-2401

PROJECT DATA

PIN:	9638-83-6040	9638-88-6384
ADDRESS:	144 RIVERSIDE DRIVE	159 RIVERSIDE DRIVE
DEED BOOK/PAGE:	4458/1799	1885/724
SITE ACREAGE:	1.63 ACRES	2.93 ACRES
EXISTING ZONING:	RAD-OSP	RAD-MIX
PROPOSED ZONING:	N/A	RAD-MIX CZ
SETBACKS:	RAD-OSP:	RAD-MIX:
FRONT:	5'	0'
SIDE (MIN):	0'	0'
REAR:	0'	0'
10' MIN-MAX FRONT SETBACK PER SEC. 7-8-29 3.7 (C); 8/8 MIS FROM BOC		
DISTURBED AREA:	0.4 AC	2.4 AC
TOTAL PROJECT DISTURBED:	2.8 ACRES	

USES: 134 RESIDENTIAL UNITS AND 14,000 SF RETAIL/COMMERCIAL

PARKING CALCULATIONS:

VEHICULAR:
REQUIRED SPACES: .75 SPACES PER UNIT: 101 SPACES
1/250 SF FOOD AND BEV: 56 SPACES
TOTAL PARKING REQUIRED: 157
138 RIVERSIDE SECURED SPACES: 134
159 RIVERSIDE UNSECURED SPACES: 33
TOTAL PARKING PROVIDED: 157

HANDICAPPED SPACES:
SPACES REQUIRED: 6 SPACES PROVIDED: 8
BICYCLE: .5 PER 3 BED UNIT + .25 PER ADDITIONAL ROOM-FINAL TBD
1/2500 SF RETAIL
AMOUNT REQUIRED: 75 AMOUNT PROVIDED: 75

BUILDING DATA:

DESCRIPTION	HEIGHT	GFA
5 STORY OVER PODIUM	70' MAX	±140,000 SF
EXISTING BUILDING	28'	±4400 SF

IMPERVIOUS CALCULATIONS:

	IMPERVIOUS	PERVIOUS
138 RIVERSIDE		
PRE-DEVELOPMENT:	0.83 ACRES (36%)	2.12 ACRES (72%)
POST-DEVELOPMENT:	2.16 ACRES (74%)	0.77 ACRES (26%)
144 RIVERSIDE		
PRE-DEVELOPMENT:	0.32 ACRES (19%)	1.33 ACRES (81%)
POST-DEVELOPMENT:	0.32 ACRES (19%)	1.33 ACRES (81%)
TOTAL PROJECT		
PRE-DEVELOPMENT:	1.15 ACRES (25%)	3.45 ACRES (75%)
POST-DEVELOPMENT:	2.50 ACRES (54%)	2.10 ACRES (46%)

CDC INSPECTIONS HOTLINE:
828-771-4733 OR INSPECTIONS@CDCGO.COM

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NORTH

TREE CANOPY PRESERVATION PLAN

GRAPHIC SCALE

(IN FEET)
1 inch = 40 ft.

BECK

CDC CIVIL DESIGN CONCEPTS, P.A.
168 PATTON AVENUE ASHEVILLE, NC 28801 828.253.3398 FAX 828.253.3399
www.cdcgroup.com
PROUD LICENSED IN ALPHA

NO.	DATE	DESCRIPTION	BY
1	03/17/2021	CONCEPTUAL CZ SUBMITTAL	SCB
2	4/13/2021	CDA DESIGN REVIEW COMMENTS	SCB
3	5/13/2021	SITE REVISIONS	SCB
4	4/25/2021	UPDATED CZ SUBMITTAL	SCB

FOR REVIEW ONLY

PRELIMINARY NOT RELEASED FOR CONSTRUCTION

TREE CANOPY PRESERVATION PLAN FOR:

144/159 RIVERSIDE

BRM DEVELOPMENT, LLC - ASHEVILLE, NORTH CAROLINA

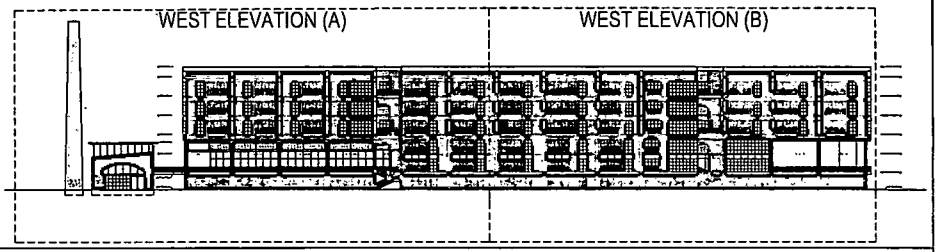
DRAWN BY: AMP
CDC PROJECT NO.: 13012
100 PERMIT NO.:

SHEET
L102

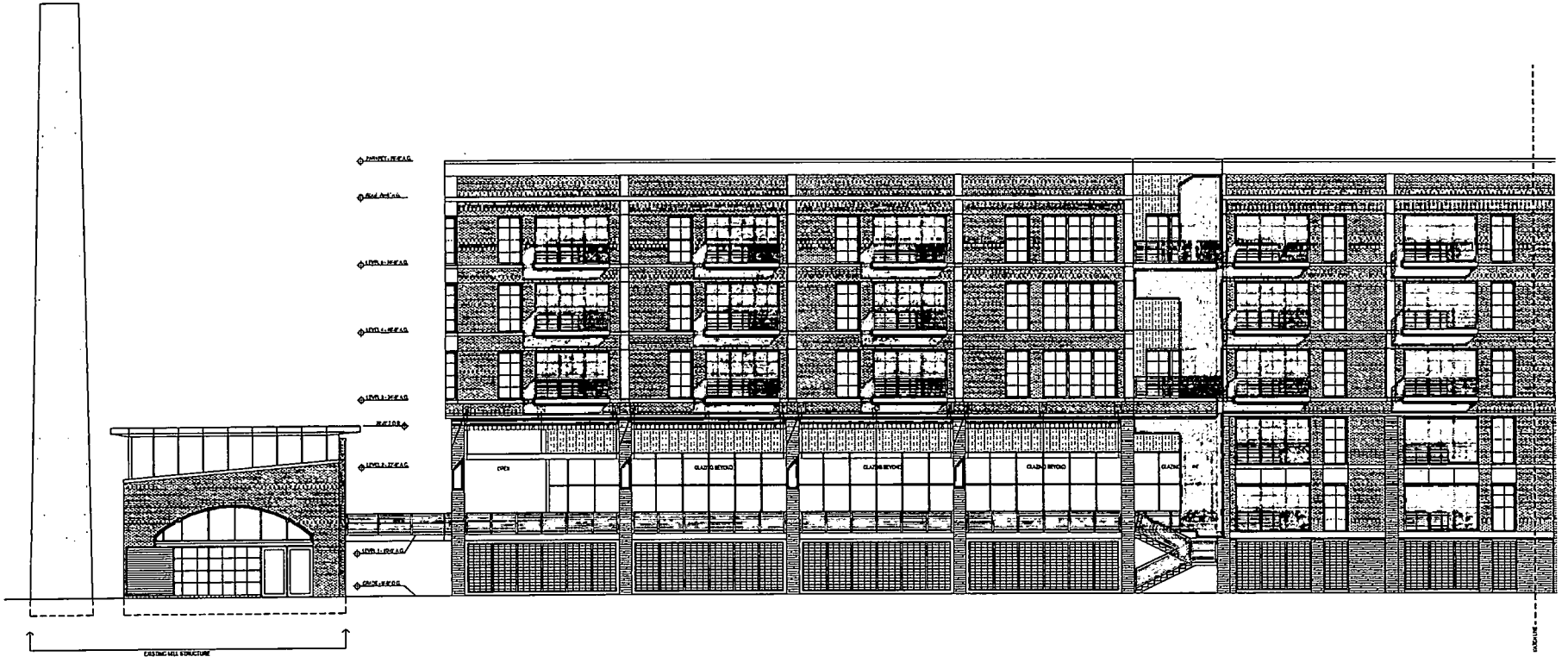
393

NOTE: TRANSPARENCY PERCENTAGE EXCEEDS 30% ACROSS TOTAL PROJECT FACADE SURFACE.

MATERIAL PALETTE



N.T.S. KEY ELEVATION



SCALE: $\frac{1}{8}$" = 1'-0" WEST ELEVATION (A)

BECK

CDC Design Consultants, PA

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PRELIMINARY NOT RELEASED FOR CONSTRUCTION

NO.	DATE	DESCRIPTION	BY

144/159 RIVERSIDE

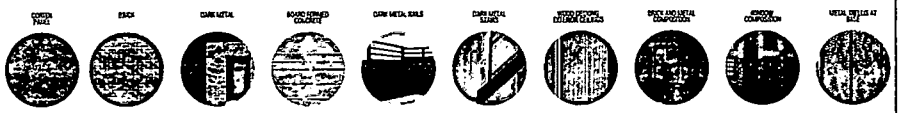
BRV DEVELOPMENT, LLC - ASHEVILLE, NORTH CAROLINA

DRAWN BY: AMP
CDC PROJECT NO.: 12018
XXX PERMIT NO.: xxx

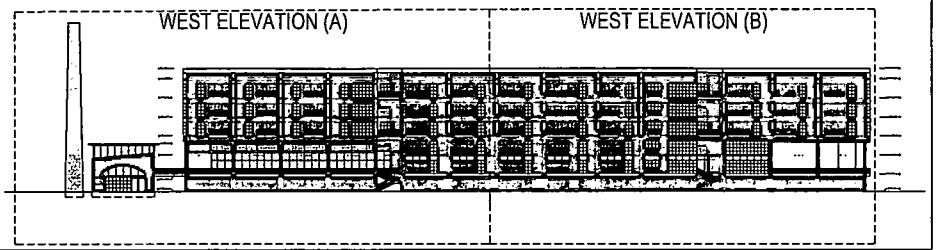
SHEET

A2.0

NOTE: TRANSPARENCY PERCENTAGE EXCEEDS 30% ACROSS TOTAL PROJECT FACADE SURFACE.



MATERIAL PALETTE



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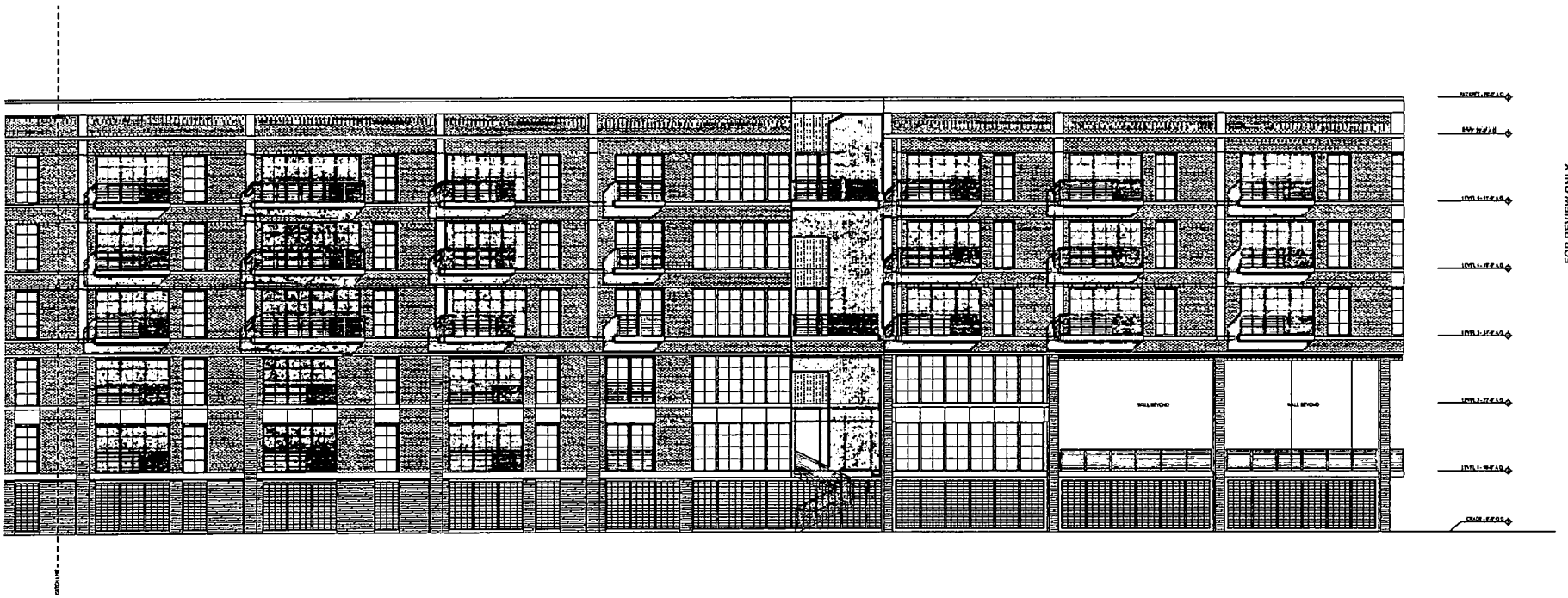

SCALE: $\frac{1}{8}$" = 1'-0" WEST ELEVATION (B)

BECK

CDC

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PRELIMINARY NOT RELEASED FOR CONSTRUCTION

144/159 RIVERSIDE

BRN DEVELOPMENT, LLC - ASHEVILLE, NORTH CAROLINA

DRAWN BY: AMP
CDC PROJECT NO.: 12013
XXX PERMIT NO.:

SHEET

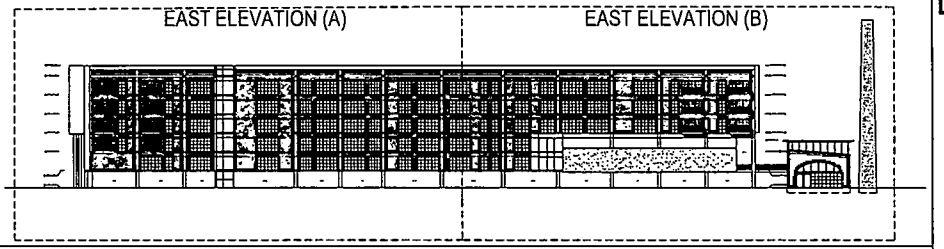
A2.1

395

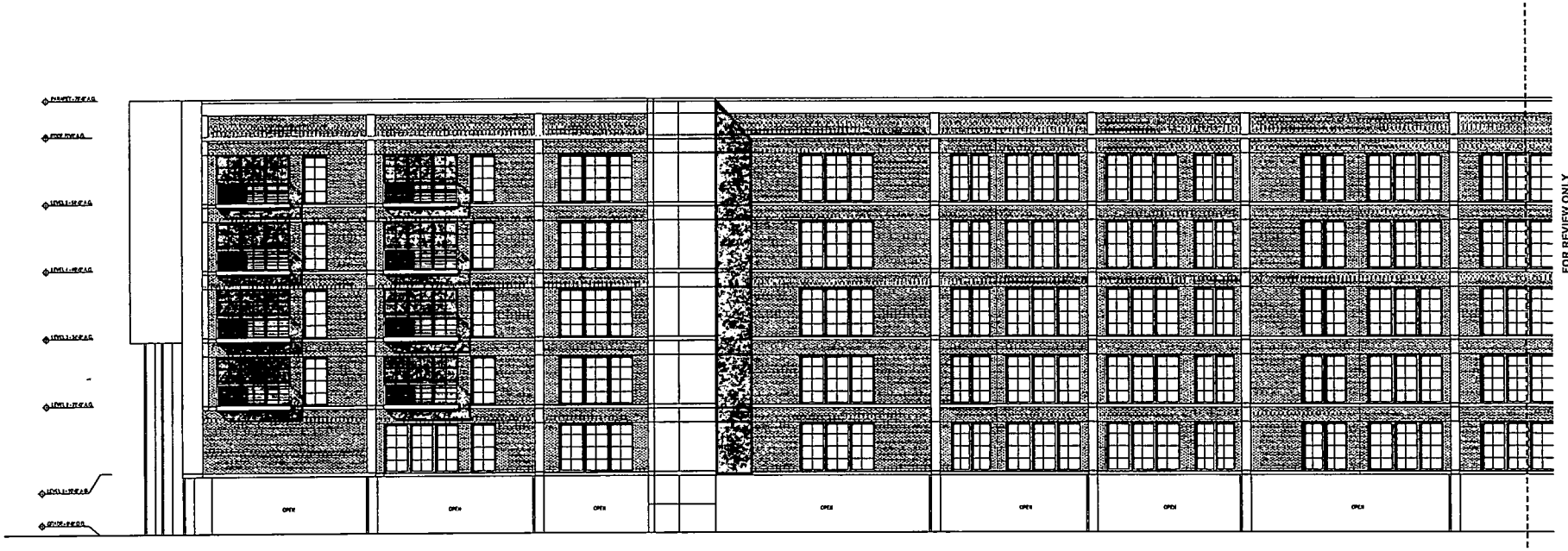
396.

NOTE: TRANSPARENCY PERCENTAGE EXCEEDS 30% ACROSS TOTAL PROJECT FACADE SURFACE.

MATERIAL PALETTE



N.T.S. KEY ELEVATION



SCALE: $\frac{1}{8}$" = 1'-0" EAST ELEVATION (A)

FOR REVIEW ONLY

PRELIMINARY NOT RELEASED FOR CONSTRUCTION

144/159 RIVERSIDE

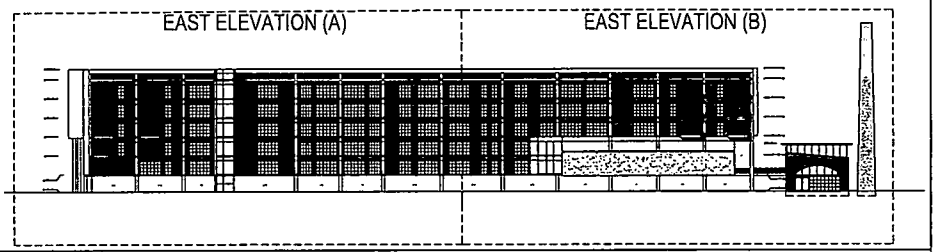
BRN DEVELOPMENT, LLC - ASHEVILLE, NORTH CAROLINA

DRAWN BY: AMP
CDC PROJECT NO.: 12012
XXX PERMIT NO.: XXX

SHEET
A2.2

NOTE: TRANSPARENCY PERCENTAGE EXCEEDS 30% ACROSS TOTAL PROJECT FACADE SURFACE.

MATERIAL PALETTE



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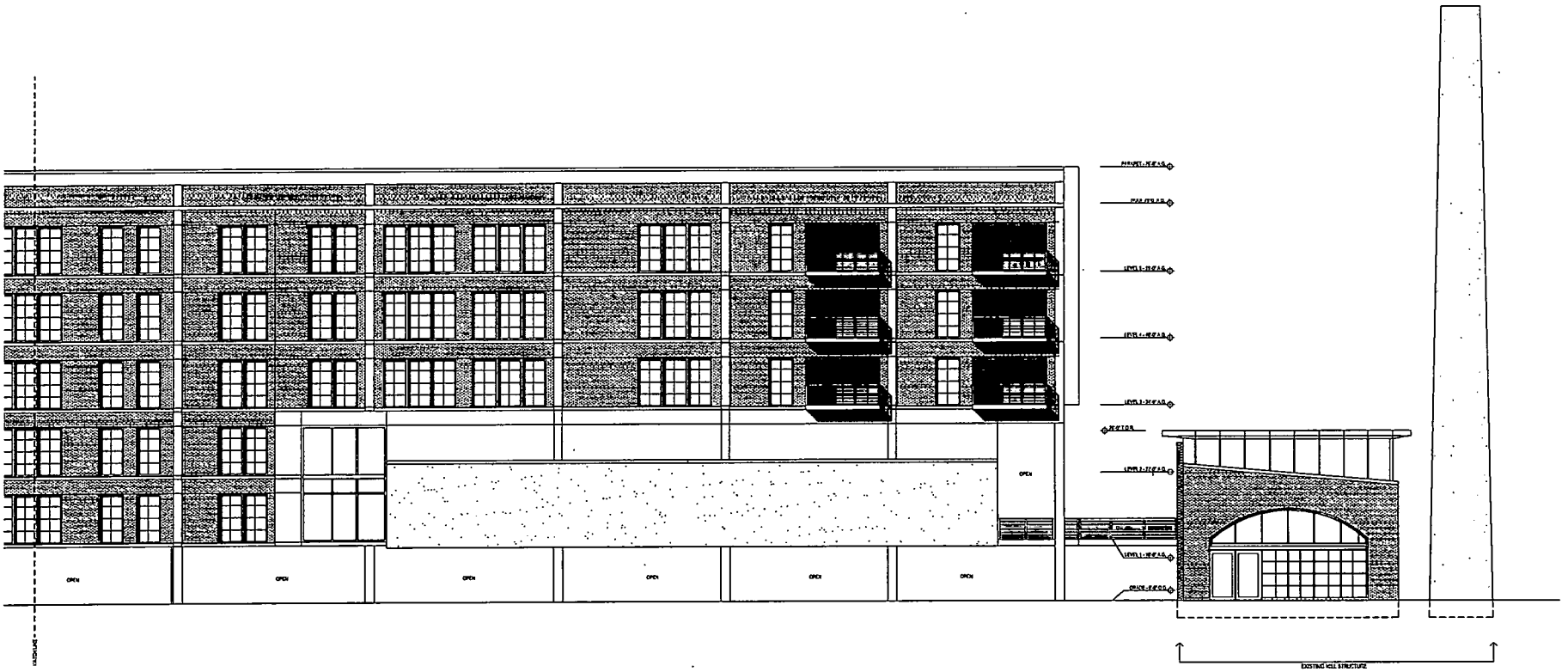


SCALE: $\frac{1}{8}$" = 1'-0" EAST ELEVATION (B)

BECK

CDC

FOR REVIEW ONLY

PRELIMINARY NOT RELEASED FOR CONSTRUCTION

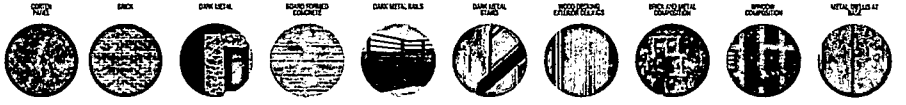
144/159 RIVERSIDE

DRAWN BY: AMP
CDC PROJECT NO.: 12012
XXX PERMIT NO. xxx

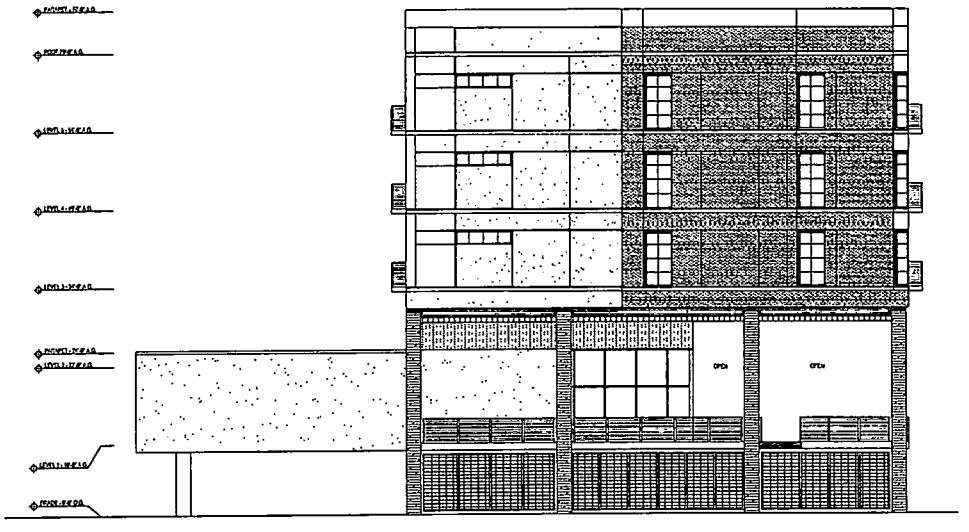
SHEET
A2.3

397

NOTE: TRANSPARENCY PERCENTAGE EXCEEDS 30% ACROSS TOTAL PROJECT FACADE SURFACE.



MATERIAL PALETTE



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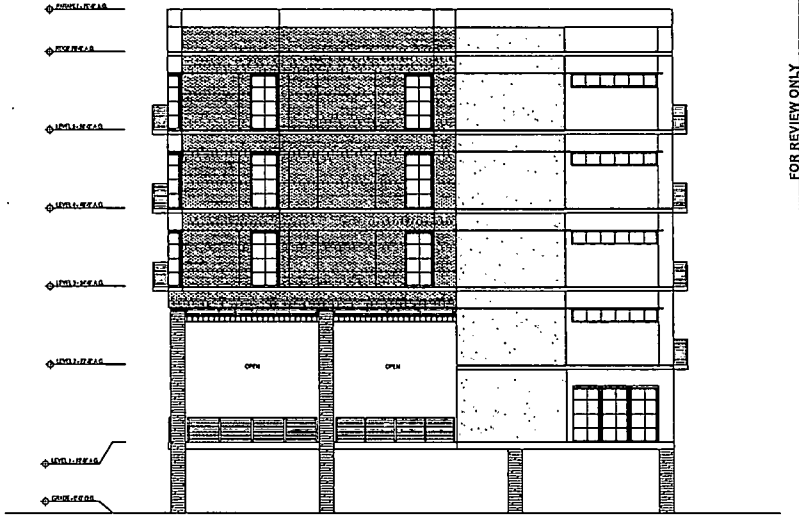


SCALE: $\frac{1}{8}$" = 1'-0" SOUTH ELEVATION

BECK

CDC Civil Design Concepts, PA

FOR REVIEW ONLY

PRELIMINARY NOT RELEASED FOR CONSTRUCTION

144/159 RIVERSIDE

BRN DEVELOPMENT, LLC - ASHEVILLE, NORTH CAROLINA

DRAWN BY: AMP
CDC PROJECT NO.: 12012
XXX PERMIT NO.

SHEET
A2.4

ORDINANCE NO. 4399 14899

ORDINANCE ESTABLISHING CONDITIONAL ZONING FOR PROPERTY LOCATED AT 22 WOODFIN STREET

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this proposed amendment is consistent with the *Living Asheville - A Comprehensive Plan for our Future* and is determined to be reasonable, and in the public interest for the following reasons:

a) Supports infill development in areas targeted for growth in proximity to transit, employment and services;
b) Contributes to community placemaking through public art,
c) Enhances pedestrian infrastructure and walkability; and
d) Improves community resilience through the use of innovative green stormwater management systems.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

The zoning classification of that certain real property described in Exhibit A and identified on Buncombe County tax maps as a portion of PIN 9649-41-6829, and recorded in Deed Book 5329, Page 1705, and currently owned by 22 Woodfin St. LLC, from Central Business District (CBD) to Central Business District Expansion - Conditional Zone (CBD EXP - CZ). A copy of the official zoning map showing said lots is attached hereto as Exhibit "A.1" and made a part hereof. Said rezoning is subject to the conditions set out in Exhibit "E", and substantially compliant with the site

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. The ordinances shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 5. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 24th day of August, 2021.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

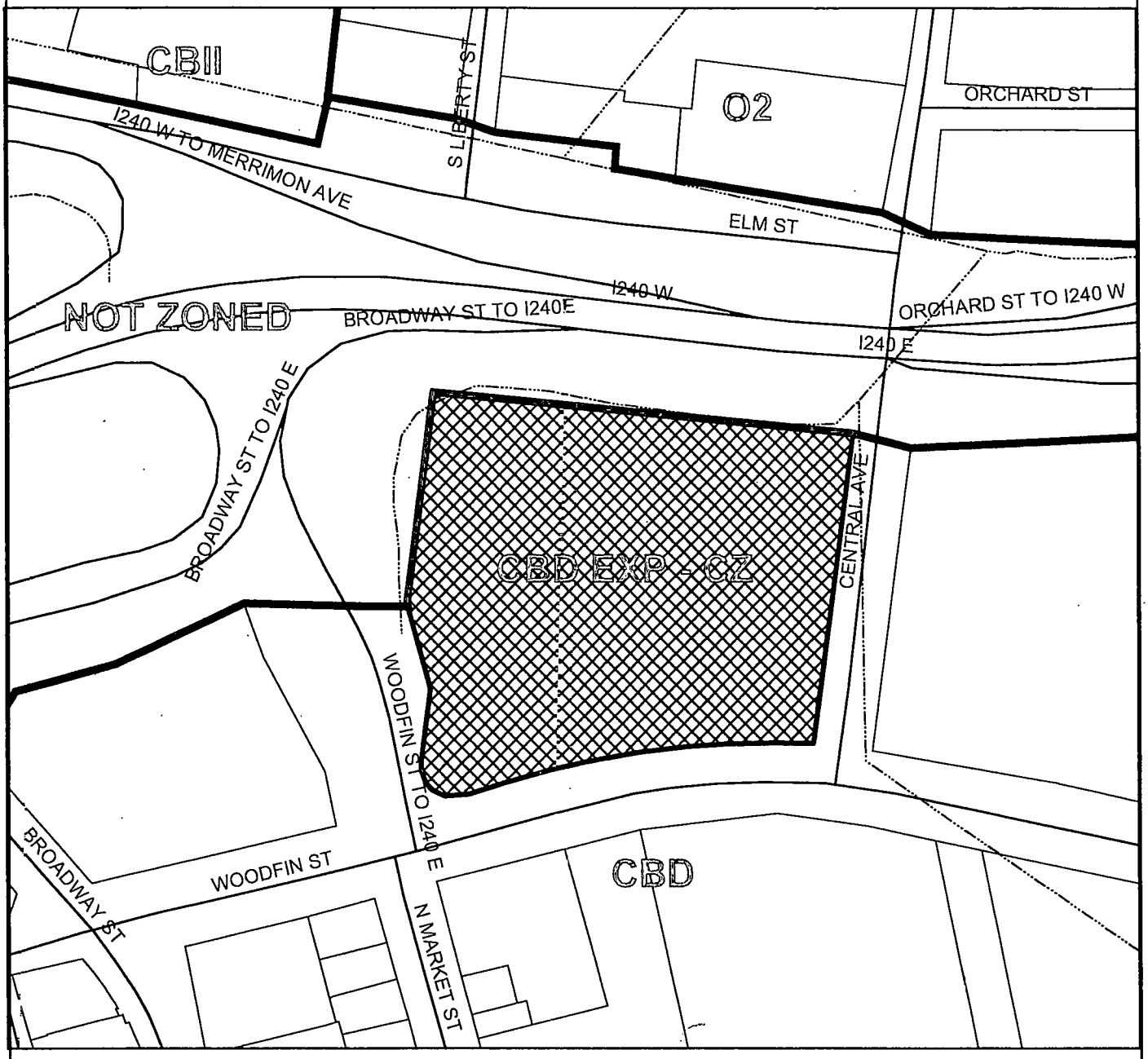
City Attorney

Magdalen Burleson
City Clerk

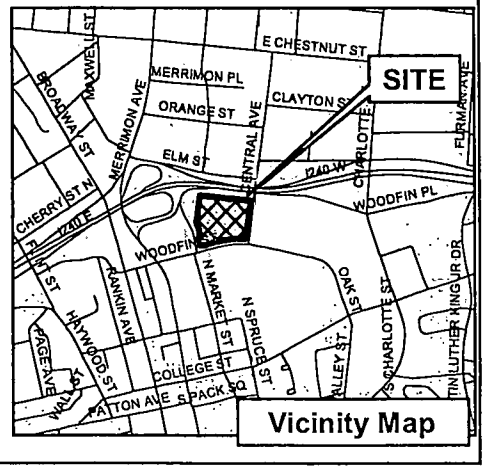
ASHEVILLE

City of Asheville
Exhibit A1 Map - Proposed Zoning
Conditional Rezoning Petition - 22 Woodfin St.

N W E S



Project Name:	22 Woodfin Mixed-Use (4-Points Sheraton)
Project Number:	21 - 01468 PZ
Project Description:	CZ from CBD to CBD EXP CZ
Petitioner(s):	Dennis Hulsing
Parcel ID Number(s):	9649-41-6829
Location/Address:	22 Woodfin St.



Project Site
Zoning Districts
Parcels
Streets
Asheville City Limits
River Areas

City of Asheville Planning and Urban Design Department - February 2020

EXHIBIT E - PROJECT CONDITIONS
22 Woodfin Street

1. The site is located at 22 Woodfin St. and identified in the Buncombe County land records as PIN 9649-41- 6829. Pursuant to this ordinance, the entire subject property is rezoned to Central Business District Expansion - Conditional Zone (CBD EXP - CZ), but approval is limited to the proposed project described herein.

2. The project site area is 3.84 acres.

3. The existing building includes 150 hotel rooms with support spaces; up to 8 standard hotel rooms will be added, for a total of 158 standard hotel guest rooms.

4. The proposed building addition (which is built around the existing Four Points hotel building), is approximately 410,000 square feet and includes the following:
    a. 116 residential units that will be a mix of condominium and apartment units. A minimum of 10 units will be designated affordable at 80% AMI for a minimum of twenty years and subject to the following restrictions:
        i. The rent and income limits will follow the Affordable Housing Standards determined annually by the City of Asheville Community Development Department.
        ii. An Affordable Housing Deed Restriction will be provided by the City and will be filed and recorded by the property owner in Buncombe County Register of Deeds prior to the Project receiving final zoning permit.
    b. 49 extended stay hotel suites that will be managed by the hotel per the updated City of Asheville UDO requirements.
    c. 7,947 SF of total commercial space along Woodfin Street, including 3,000 square feet for a small grocery store.
    d. 308 total parking spaces, including structured, surface and a small amount of on-street parking.

5. Setbacks for the project will comply with the CBD setback standards, except where courtyard, plaza, landscape features, and outdoor commercial space are being provided.

6. Proposed building height will not exceed 120' feet, as measured by city code.

7. All required landscape plantings are included, including street trees. Open Space and Tree Canopy Preservation requirements will also be satisfied as required by the Unified Development Ordinance ("UDO").

8. The project will include new sidewalks as follows:
    a. The project proposes a 10' minimum sidewalk along Woodfin Avenue and Central Avenue.

b. The project will provide a pedestrian sidewalk connection from the west side of the building at the hotel entrance to the public sidewalk. Due to severe elevation differences this will consist of multiple sets of ramps.

9. There will be three vehicular access points included in the project:
   a. The existing access points on Woodfin St. and Central Ave. will remain largely unchanged and provide full movement to the reconstructed surface parking lot.
   b. A third, and new access point is proposed on Woodfin St. and will provide access to the project's parking garage and is positioned across from the entrance to the Renaissance hotel parking lot (31 Woodfin St.).

10. Design and Operational Standards: The building design will comply with all architectural design and operations standards required by the CBD zoning, except as modified herein.

11. Signage shall be reviewed and permitted separately and shall be limited to those standards described for properties zoned Central Business District (CBD).

12. Approximately 11,500 square feet of green roof will be included in the project.

13. Art will be installed along the blank wall(s) on Central Ave.

14. The project will be designed to achieve 2 Green Globes certification for sustainable building.

15. The Project shall comply with all conditions outlined in the April 19, 2021 TRC staff report and will undergo final review by the TRC prior to issuance of any permits. Compliance with the items listed above will be required at that time except as allowed by the City Code, or as modified below:
   a. Maximum horizontal wall length above 75' in height shall exceed 145', as shown in the building elevations.
   b. Maximum horizontal solid/blank wall dimension shall exceed 20' on the Central Ave. facade, as shown on the building elevations.
   c. Maximum setback on the Central Ave. facade shall exceed 20 feet in front of the terrace/courtyard, as shown on the building elevations and site plans.
   d. No windows, doors or other openings along the ground level on Central Ave., as shown on the building elevations.
   e. Setting aside less than 50% of the street facing facade as a separate storefront on the Central Ave. facade (project sets aside 16%).

16. The project shall deed restrict ten (10) of the residential units to be affordable to households earning at or below 80% Area Mean Income (AMI) for a minimum period of 20 Years.

17. All proposed site and exterior building lighting must meet the outdoor lighting requirements found in UDO Sec. 7-11-10.

18. The building design, site design and orientation on site must substantially comply with the approved site plan and elevations which are incorporated herein by reference.

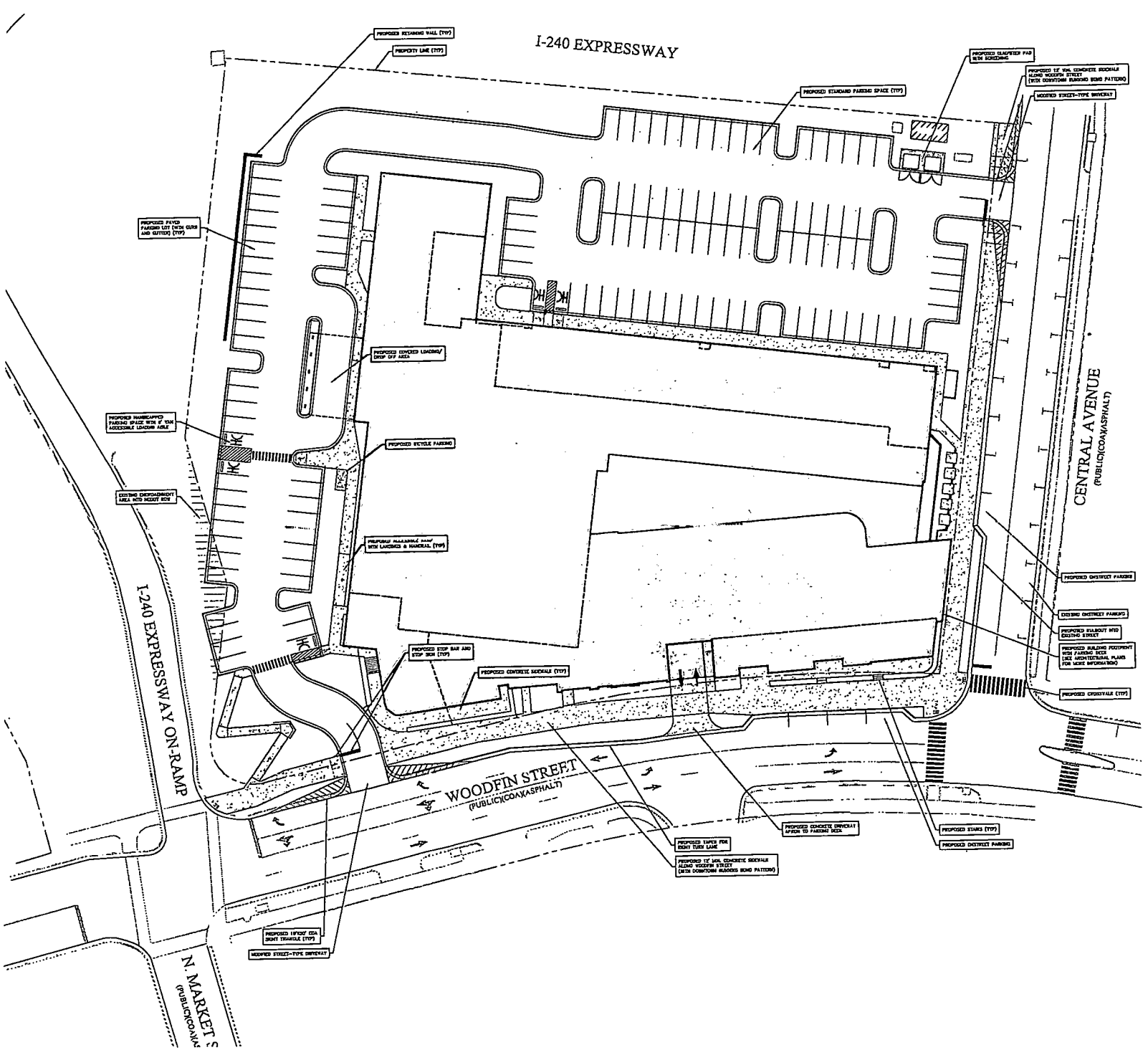
19. Applicant will make good faith efforts to follow (and will expect its subcontractors to follow) the principles set forth in the Federal Procurement Regulations of 24 CFR 85.36(e) regarding contracting with small and minority firms and women's business enterprises, as modified as follows:
    a. Applicant will take affirmative steps to assure that minority firms and women's business enterprises are used when possible.
    b. Affirmative steps will include:
        i. Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
        ii. Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;
        iii. Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit;
        iv. maximum participation by small and minority business, and women's business enterprises
        v. Conducting job fairs in minority neighborhoods;
        vi. Working with the YMI, Mountain Biz Works and other local non-profit agencies that serve the minority communities in Asheville; and
        vii. Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed this section.

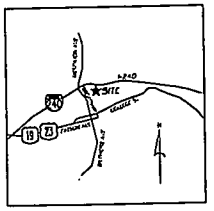
20. All applicable required local, state, and federal permits and approvals must be obtained prior to initiation of construction.

21. The conditional zoning will be valid for four years from the date of approval by City Council with building permits applied for within this 48-month period. Failure to apply for building permits within this time frame shall render the approval null and void.

Agreed to and Accepted this 24th Day of August, 2021 by the Property Owner/Applicant:

Owner/Applicant Signature





VICINITY MAP
NOT TO SCALE

DEVELOPMENT DATA

OWNER/DEVELOPER:	22 WOODFIN STREET, LLC 22 WOODFIN STREET ASHEVILLE, NORTH CAROLINA 28801 JIM HUSLING (828) 888-3833
CIVIL ENGINEER:	CIVIL DESIGN CONCEPTS, P.A. 198 PATTON AVENUE ASHEVILLE, NORTH CAROLINA 28801 BARRETT BURTT, P.E. (828) 253-5380
SURVEYOR:	WARREN & ASSOCIATES, P.A. 3 BALANCE TRAIL FAIRVIEW, NORTH CAROLINA 28730 ERIC S. WARREN, P.L.S. (828) 628-1075
ARCHITECT:	MHA WORKS 12 S. LEXINGTON AVENUE, SUITE 100 ASHEVILLE, NORTH CAROLINA 28801 PETER T. ALBRECHT, AIA (828) 253-3330
LANDSCAPE ARCHITECT:	SIGNS LAND PLANNING & DESIGN 14 CHURCH STREET ASHEVILLE, NORTH CAROLINA 28801 MARTIN ADAMS, ASLA (828) 253-2330
CONTACT:	

PROJECT DATA

PIN:	9618-43-5629
ADDRESS:	22 WOODFIN STREET
DEED BOOK/PAGE:	3329/1700
SITE ACREAGE:	0.53 ACRES
EXISTING ZONING:	CBD
PROPOSED ZONING:	CBD EXP
SETBACKS:	N/A
DISTURBED AREA:	0.94 AC

PARKING CALCULATIONS:

VEHICULAR:

REQUIRED SPACES:	N/A (CBD EXP)
DECK SPACES:	184
SURFACE SPACES:	15
ON-STREET SPACES:	6
TOTAL SPACES:	205

HANDICAPPED SPACES:
SPACES REQUIRED: 8 SPACES PROVIDED: 10

BUILDING DATA:

BUILDING	DESCRIPTION	HEIGHT	UNITS
EXISTING HOTEL	4 1/2 STORY	54'-0"	150
APARTMENT	11 STORY	144'-0"	205
TOTAL	7-8 STORY	117'-0"	154

TOTAL COMMERCIAL GFA: 1,242 SF
TOTAL GFA: 174,152 SF

IMPERVIOUS CALCULATIONS:

	IMPERVIOUS	PERVIOUS
PRE-DEVELOPMENT:	2.88 ACRES (TTOD)	0.47 ACRES (ZCOD)
POST-DEVELOPMENT:	IMPERVIOUS FOOTPRINTS NOT TO EXCEED 72% THROUGH USE OF GREEN ROOFING	

OPEN SPACE CALCULATIONS: N/A

811
Know what's below.
Call before you dig.

NORTH

GRAPHIC SCALE
(IN FEET)
1 inch = 20 ft.

MHAworks
PLANNING ARCHITECTURE INTERIORS
125 LEXINGTON AVENUE, SUITE 100
ASHEVILLE, NORTH CAROLINA 28801
828.253.3330
www.mhaworks.com
DURHAM
CHARLOTTE
PITTSBORO
ASHEVILLE

PRELIMINARY NOT RELEASED FOR CONSTRUCTION

CDC

FOUR POINTS ASHEVILLE MIXED-USE DEVELOPMENT

HUSLING ENTERPRISES, LLC

22 WOODFIN STREET, ASHEVILLE, NC 28801

REVISIONS:

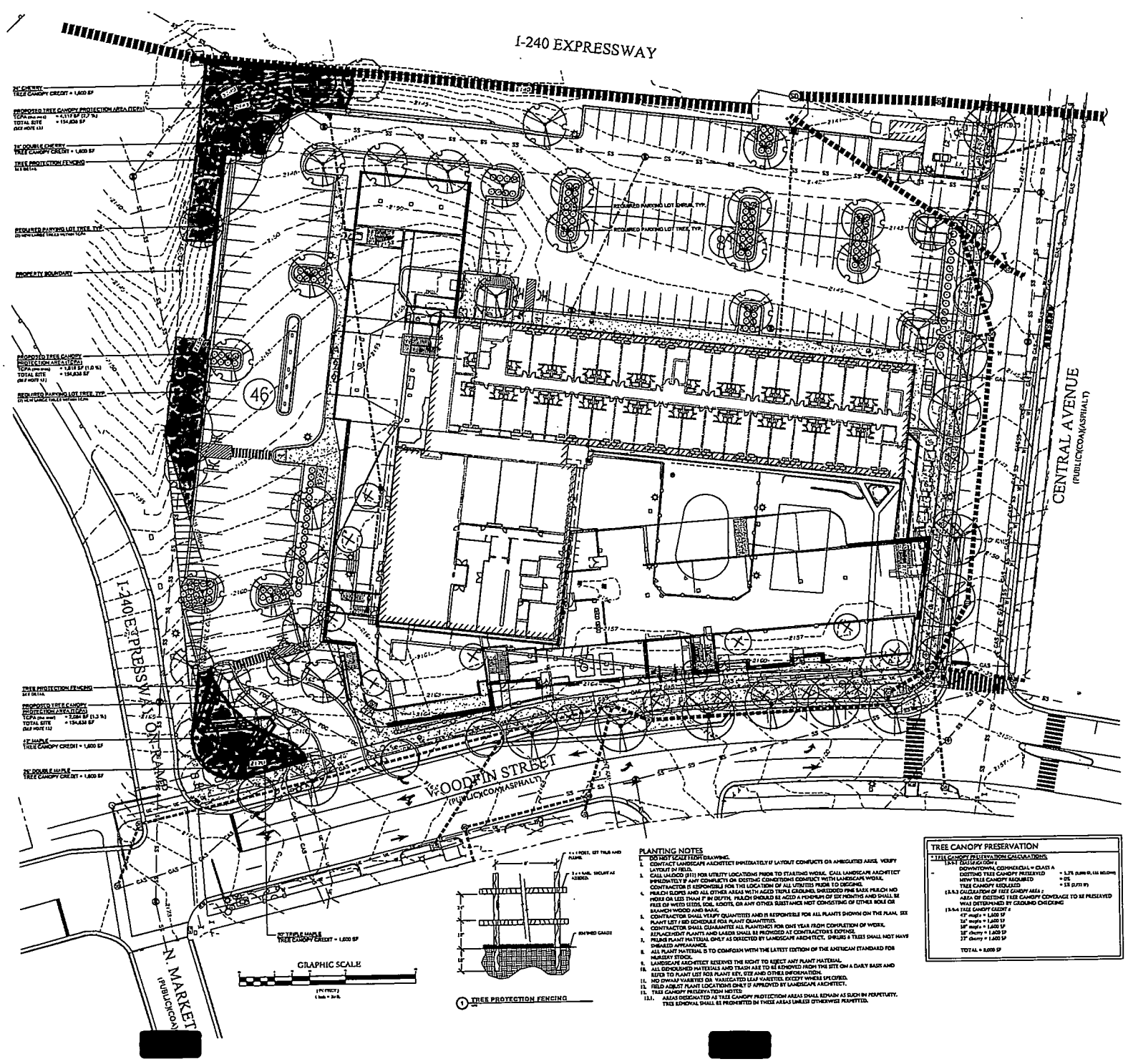
SHEET NAME:
SITE PLAN

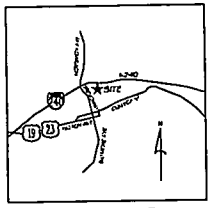
PHASE:
CONCEPTUAL DOCUMENTS

ISSUE DATE: 03/02/2021
PROJECT #: CDC#12090
PERMIT #:
DRAWN BY: MAD

SHEET NUMBER
C201

Exhibit D





VICINITY MAP
(NOT TO SCALE)

DEVELOPMENT DATA

OWNER/DEVELOPER:	22 WOODFIN STREET, LLC 22 WOODFIN STREET ASHEVILLE, NORTH CAROLINA 28801 JAY HOUSER (828) 989-3933
CIVIL ENGINEER:	CIVIL DESIGN CONCEPTS, P.A. 156 PATTON AVENUE ASHEVILLE, NORTH CAROLINA 28801 MARDY ELDER, P.E.
CONTACT:	(828) 253-5388
SURVEYOR:	WAMECK & ASSOCIATES, P.A. 2 WALNUT TRAIL FAIRVIEW, NORTH CAROLINA 28730 ERIC L. WAMECK, P.L.S.
CONTACT:	(828) 628-4293
ARCHITECT:	MHA WORKS 12 S. LEXINGTON AVENUE, SUITE 100 ASHEVILLE, NORTH CAROLINA 28801 PETER V. MARTINEZ, AIA
CONTACT:	(828) 253-5200
LANDSCAPE ARCHITECT:	KERNS LAND PLANNING & DESIGN 16 CHURCH STREET ASHEVILLE, NORTH CAROLINA 28801 PATTON KERNS, ASLA
CONTACT:	(828) 232-2830

PROJECT DATA

PIN:	9738-41-8829
ADDRESS:	22 WOODFIN STREET
DEED BOOK/PAGE:	3232/1703
SITE ACREAGE:	3.83 ACRES
EXISTING ZONING:	CBD
PROPOSED ZONING:	CBD CUP
SETBACKS:	N/A
DISTURBED AREA:	3.84 AC

PARKING CALCULATIONS:

VEHICULAR:

REQUIRED SPACES:	N/A (CBD CUP)
DECK SPACES:	174
SURFACE SPACES:	123
ON-STREET SPACES:	8
TOTAL SPACES:	305
HANDICAPPED SPACES REQUIRED: 8	SPACES PROVIDED: 10
VEHICULAR USE AREA:	48,373 SF

BUILDING DATA:

BUILDING	DESCRIPTION	HEIGHT	UNITS
EXISTING HOTEL	4 1/2 STORY	54'-0"	120
APARTMENT	11 STORY	144'-0"	38
CONDO	7-8 STORY	117'-0"	194
TOTAL COMMERCIAL GFA:	2,347 SF		
TOTAL GFA:	474,452 SF		

GREENSPACE CALCULATIONS:

	IMPERVIOUS	PERVIOUS
PRE-DEVELOPMENT:	3.84 ACRES (100%)	0.07 ACRES (0%)
POST-DEVELOPMENT:	IMPERVIOUS PERCENTAGE NOT TO EXCEED 75% INCLUDES USE OF GREEN ROOFING	

OPEN SPACE CALCULATIONS: N/A

TREE CANOPY PROTECTION (ALL):

REQUIRED MINIMUM DISTRICT: DOWNTOWN COMMERCIAL CLASS A

EXISTING TREE CANOPY (2010): VG

TREE CANOPY PROVIDED			
PRESERVED	CANOPY	CONDITIONALLY	AREA
2,000 SF	2,000 SF	0	7,200 SF
11,400	11,400		1,200

PLANT SCHEDULE

TREES	CODE	QTY	BOTANICAL / COMMON NAME
		14	STREET TREE
		14	-
		33	PARKING LOT TREE
		33	-
		18	EXISTING TREE TO BE REMOVED
		18	-
		4	EXISTING STREET TREE TO REMAIN
		4	-
		6	EXISTING TREE TO REMAIN
		6	-

SHRUBS	CODE	QTY	BOTANICAL / COMMON NAME
		18	STREET BUFFER SHRUB
		18	-
		123	PARKING LOT SHRUB
		123	-

PLANTING NOTES

1. DO NOT SCALE THIS DRAWING.
2. CONTACT LANDSCAPE ARCHITECT IMMEDIATELY IF LAYOUT CONFLICTS OR AMBIGUITIES ARISE. VERIFY LAYOUT IN FIELD.
3. CALL 1-800-632-4949 (811) FOR UTILITY LOCATIONS PRIOR TO STARTING WORK. CALL LANDSCAPE ARCHITECT IMMEDIATELY IF ANY CONFLICTS OR EXISTING CONDITIONS CONFLICT WITH LANDSCAPE WORK. CONTRACTOR IS RESPONSIBLE FOR THE LOCATION OF ALL UTILITIES PRIOR TO DIGGING.
4. MULCH SLOPES AND ALL OTHER AREAS WITH AGED TRIPLE GROUND, SHREDDED PINE BARK MULCH NO MORE OR LESS THAN 3" IN DEPTH. MULCH SHOULD BE AGED A MINIMUM OF SIX MONTHS AND SHALL BE FREE OF WEED SEEDS, SOIL, ROOTS, OR ANY OTHER SUBSTANCE NOT CONSISTING OF OTHER BOLE OR BRANCH WOOD AND BARK.
5. CONTRACTOR SHALL VERIFY QUANTITIES AND IS RESPONSIBLE FOR ALL PLANTS SHOWN ON THE PLAN, SEE PLANT LIST / BID SCHEDULE FOR PLANT QUANTITIES.
6. CONTRACTOR SHALL GUARANTEE ALL PLANTINGS FOR ONE YEAR FROM COMPLETION OF WORK. REPLACEMENT PLANTS AND LABOR SHALL BE PROVIDED AT CONTRACTOR'S EXPENSE.
7. PRUNE PLANT MATERIAL ONLY AS DIRECTED BY LANDSCAPE ARCHITECT. SHRUBS & TREES SHALL NOT HAVE SHEARED APPEARANCE.
8. ALL PLANT MATERIAL IS TO COMPLIEN WITH THE LATEST EDITION OF THE AMERICAN STANDARD FOR NURSERY STOCK.
9. LANDSCAPE ARCHITECT RESERVES THE RIGHT TO REJECT ANY PLANT MATERIAL.
10. ALL DEMOLISHED MATERIALS AND TRASH ARE TO BE REMOVED FROM THE SITE ON A DAILY BASIS AND REFER TO PLANT LIST FOR PLANT KEY, SIZE AND OTHER INFORMATION.
11. NO DWARF VARIETIES OR VARIEGATED LEAF VARIETIES EXCEPT WHERE SPECIFIED.
12. FIELD ADJUST PLANT LOCATIONS ONLY IF APPROVED BY LANDSCAPE ARCHITECT.
13. TREE CANOPY PRESERVATION NOTES:
    13.1. AREAS DESIGNATED AS TREE CANOPY PROTECTION AREAS SHALL REMAIN AS SUCH IN PERPETUITY. TREE REMOVAL SHALL BE PROHIBITED IN THESE AREAS UNLESS OTHERWISE PERMITTED.

TREE CANOPY PRESERVATION

TREE CANOPY PRESERVATION CALCULATIONS:

§ 5.5.1 CALCULATION 1

DOWNTOWN COMMERCIAL = CLASS A

EXISTING TREE CANOPY PRESERVED	= 1,72% (1,000 SF / 58,100 SF)
NEW TREE CANOPY REQUIRED	= 0%
TREE CANOPY REQUIRED	= 0% (0/72 SF)

§ 5.5.3 CALCULATION OF TREE CANOPY AREA 2

AREA OF EXISTING TREE CANOPY COVERAGE TO BE PRESERVED WAS DETERMINED BY GROUND CHECKING

§ 5.5.4 TREE CANOPY CREDIT 2

42" maple =	1,600 SF
36" maple =	1,600 SF
36" maple =	1,600 SF
30" cherry =	1,600 SF
27" cherry =	1,600 SF
TOTAL =	8,000 SF

Know what's below. Call before you dig.

NORTH

TREE CANOPY PROTECTION PLAN

MHA works
ARCHITECTURE INTERIORS PLANNING
12 S. LEXINGTON AVENUE, SUITE 100
ASHEVILLE, NORTH CAROLINA 28801
P: 828.253.5200
P: www.mhaworks.com
DURHAM
CHAPEL HILL
PITTSBORO
ASHEVILLE

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FOR
CONSTRUCTION

KERNS
LAND PLANNING & DESIGN
16 Church Street
Asheville, North Carolina 28801
p 828 232 2830
www.kernslandplan.com

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FOUR POINTS ASHEVILLE MIXED-USE DEVELOPMENT

HULSING ENTERPRISES, LLC

22 WOODFIN STREET, ASHEVILLE, NC 28801

REVISIONS:

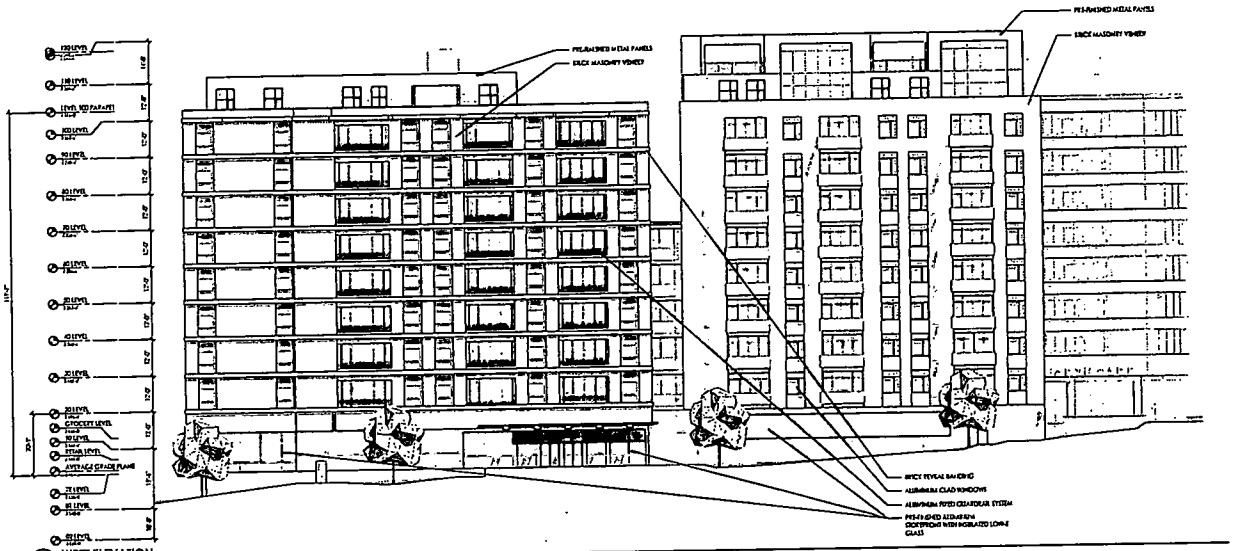
#	DESC	DATE

SHEET NAME:
TREE CANOPY PROTECTION PLAN

PHASE:
CONCEPTUAL DOCUMENTS

ISSUE DATE: 03/03/21
PROJECT #: XX-XXXXXXXX
DRAWN BY: DIE

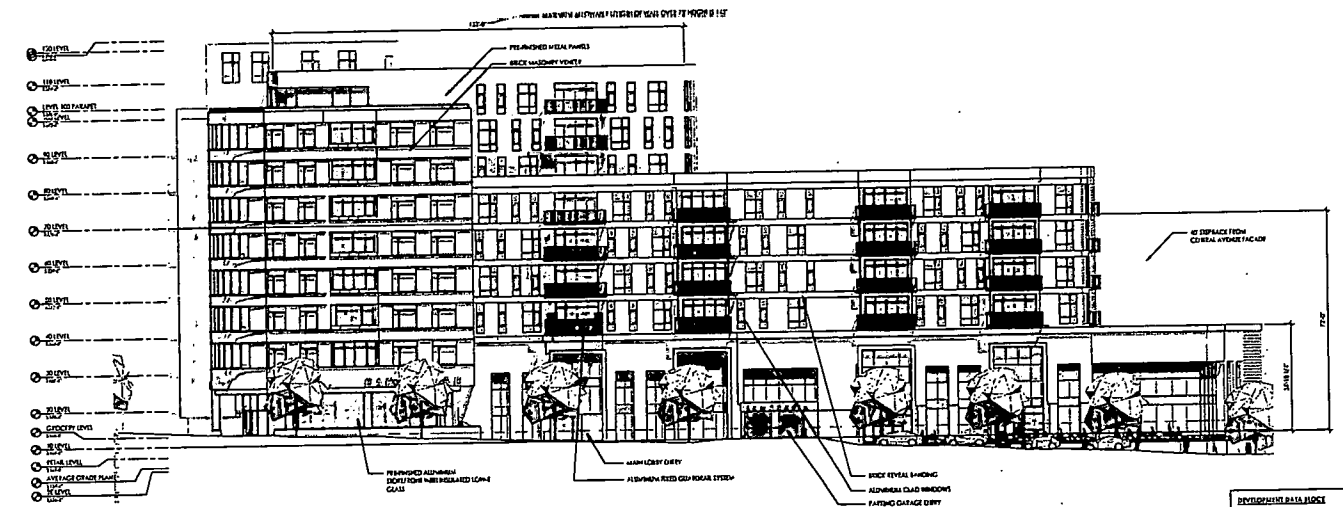
SHEET NUMBER
L 100



1 WEST ELEVATION

1/16" = 1'-0"

0' 10' 20' 40' 80'



2 SOUTH ELEVATION

1/16" = 1'-0"

0' 10' 20' 40' 80'

EXTERIOR ELEVATIONS GENERAL NOTES

A. DETAILS NOT SHOWN ARE SIMILAR IN CHARACTER TO THOSE DETAILED. WHERE SPECIFIC DIMENSIONS, DETAILS OF DESIGN AND BUILD CAN'T BE DETERMINED, CONSULT THE ARCHITECT BEFORE PROCEEDING WITH WORK.

B. ALL DETAILS ARE TO BE COORDINATED WITH THE STRUCTURAL FRAMING, MECHANICAL/ELECTRICAL AND OTHER RELATED BUILDING COMPONENTS IN ORDER TO PROVIDE A COMPLETE COMPONENT OF FINISH MATERIALS.

C. ALL FASTENERS ARE TO BE CONCEALED, EXCEPT AS SPECIFICALLY SHOWN. ALL BUTT JOINTS ARE TO HAVE CONCEALED BACK-UP TOOL WITH CAPPED SEALANT.

D. ATTACHMENT AND DETAILS FOR THE EXTERIOR WALL AND EXTERIOR GLASS SYSTEMS ARE SHOWN SCHEMATICALLY AND ROUGHING WITH THE MANUFACTURER AND THE PROPERLY ATTENDED TO ENSURE THE PERFORMANCE AND MATERIAL GUARANTEE DESIRED. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE DEVELOPMENT OF FINAL EXTERIOR WALL DETAILS TO ACCOMMODATE THE FABRICATION, ERECTION AND INSTALLATION OF THE WORK IN ACCORDANCE WITH THE DESIGN INTENT SHOWN.

E. ALL PROPOSED DETAILS FOR EACH TYPE OF GLAZING ARE TO BE SUBMITTED TO THE ARCHITECT FOR REVIEW.

F. COLOR OF SEALANT SHALL MATCH ADJACENT MATERIALS OR AS SPECIFIED BY THE ARCHITECT.

G. COORDINATE LOCATION OF EXTERIOR WALL ANCHORS, SEALANT POSITIONS WITH ADJACENT WORK INCLUDING MATERIALS AND OTHER CONNECTIONS SEALANTS.

H. PROVIDE ALLOWANCE FOR EXPANSION AND CONTROL JOINTS WHERE SHOWN AND AS REQUESTED LOCATION OF ALL JOINTS SHALL BE REVIEWED WITH THE ARCHITECT/ENGINEER.

I. ALL EXTERIOR METALS SHALL BE SPECIFICALLY ISOLATED FROM EACH OTHER AS REQUIRED TO PREVENT GALVANIC BREAKDOWN.

J. ALL ALUMINUM DOOR/WINDOW FRAMES, LOUVERS, SHALL BE PAINTED AS PER DOOR, WINDOW, LOUVER SCHEDULE.

EXTERIOR ELEVATIONS LEGEND

UM01
84 3000 BRICK MASONRY
MATERIAL: CLAY MASONRY UNIT
SIZE: MODULAR UNIT
NOTE: PRIMARY FIELD BRICK

UM02
84 3000 BRICK MASONRY
MATERIAL: CLAY MASONRY UNIT
SIZE: MODULAR UNIT
NOTE: LIGHT ACCENT COLOR

UM04
84 4300 ORNAMENTAL STONE MASONRY
MATERIAL: UNIT STONE MASONRY
NOTE: Stone Base material to match existing stone on adjacent building

MP01
87 07 ELASTOMERIC COMPOSITE MATERIAL
DESCRIPTION: METAL COMPOSITE MATERIAL
TYPE: Pre Fabricated Cans
SIZE: Per Manufacturer Specifications
THICKNESS: 0.157" material, 7" Panel
STYLE: Smooth and Texture

DRC SUBMITTAL - MAY 27, 2021

DEVELOPMENT DATA BLOCK	
NAME OF PROJECT AND ADDRESS:	FOUR POINTS ASHEVILLE MIXED-USE DEVELOPMENT
PROPERTY OWNER(S) NAME ADDRESS CITY, STATE ZIP CODE PHONE NUMBER	22 WOODFIN ST LLC 22 WOODFIN STREET ASHEVILLE, NC 28801 (828)253-0118
CONTACT PERSON NAME ADDRESS CITY, STATE ZIP CODE PHONE NUMBER	Jim ROGERS COO, HULDING ENTERPRISES, LLC 1 VISCONT DRIVE ASHEVILLE, NC 28016 (828)281-2773
PIN NUMBER(S) OF PROPERTY BEING DEVELOPED	9-6-74-142-X-X-X-X-X-X
ZONING DISTRICT	CENTRAL BUSINESS DISTRICT / CONDITIONAL ZONING
LIST BUILDING HEIGHT AND NUMBER OF STORIES PER BUILDING	EXISTING HOTEL BUILDING - 54 FT, 4.5 STORIES NEW APARTMENT BUILDING - 144 FT DATUM TO TOP OF PENTHOUSE 11 STORIES NEW CONDOMINIUM BUILDING - 96 FT, GROCERY LEVEL TO OWNER'S TERRACE 7 STORIES - 112 FT ROOF LEVEL TO TOP OF PARAPET 8 STORIES

MHAworks PLANNING ARCHITECTURE INTERIORS

12 S. LEXINGTON AVENUE, UNIT 100
ASHEVILLE, NORTH CAROLINA 28801
828.252.9233
www.mhaworks.com

DUNHAM
GREENVILLE
ASHEVILLE

FOR REVIEW ONLY

NOT FOR CONSTRUCTION
FOR GMP PRICING ONLY

Four Points Asheville Mixec-Use Development

22 Woodfin St, LLC

22 Woodfin Street, Asheville, NC 28801

REVISIONS:

#	DESCRIPTION	DATE

SHEET NAME:
OVERALL BUILDING ELEVATIONS

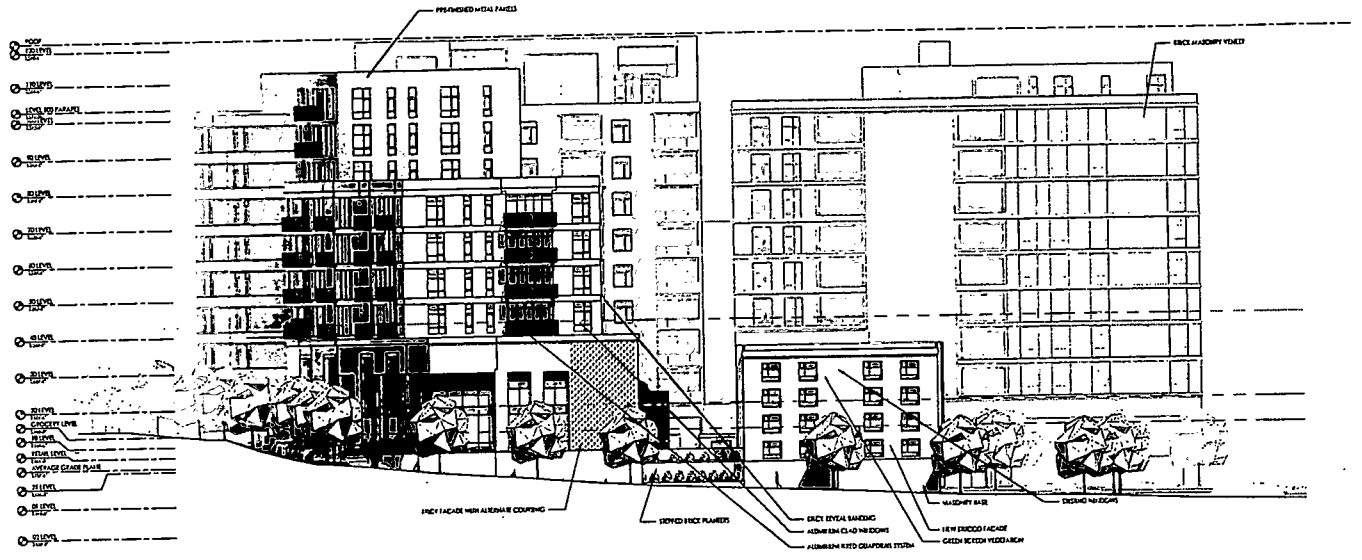
PHASE:
DRC SUBMITTAL

ISSUE DATE: 05/27/21
PROJECT #: 20045
DRAWN BY: ERH / CJ

SHEET NUMBER
A201

7/1/2021 4:28:43 PM
Autodesk Docs://FOUR POINTS - 4 Points Condominium V2022/Four Points Sheraton Mixed Use v2022.rvt

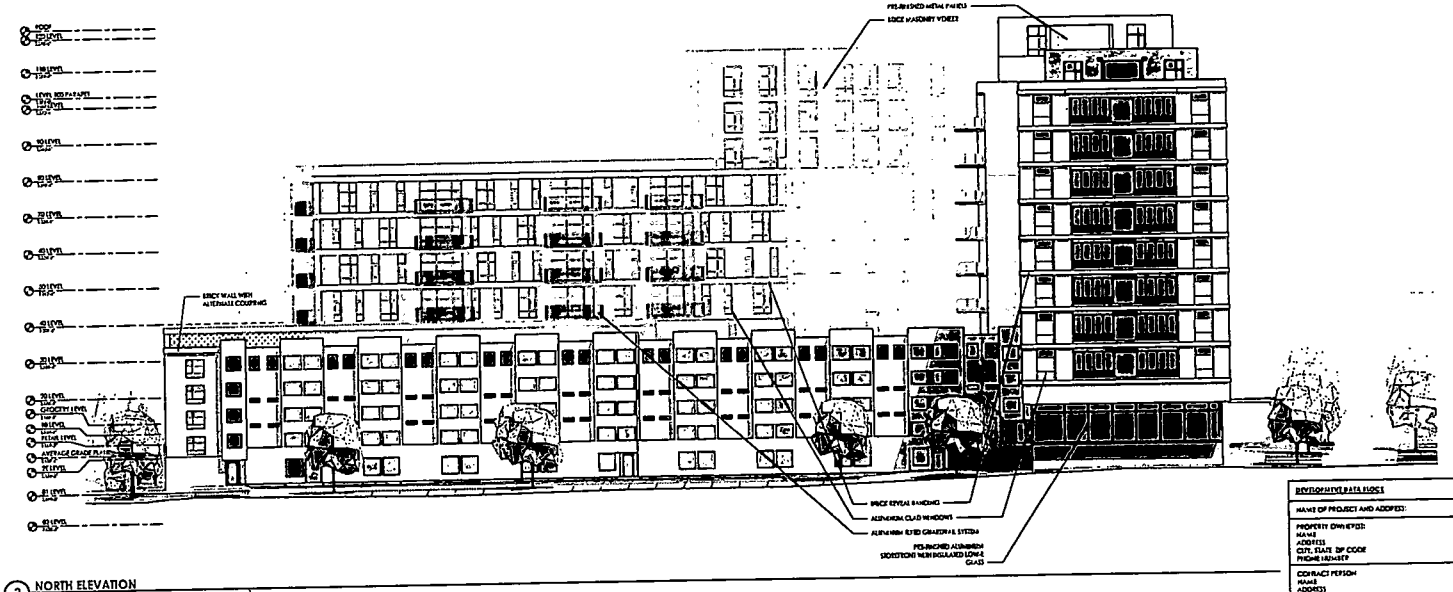
467



1 EAST ELEVATION

1/16" = 1'-0"

0' 10' 20' 40' 80'



2 NORTH ELEVATION

1/16" = 1'-0"

0' 10' 20' 40' 80'

DRC SUBMITTAL - MAY 27, 2021

DEVELOPMENT DATA BLOCK	
NAME OF PROJECT AND ADDRESS:	FOUR POINTS ASHEVILLE MIXED-USE DEVELOPMENT
PROPERTY OWNER(S): NAME ADDRESS CITY, STATE, ZIP CODE PHONE NUMBER	22 WOODFIN ST LLC 22 WOODFIN STREET ASHEVILLE, NC 28801 (828)253-0515
CONTRACT PERSON NAME ADDRESS CITY, STATE, ZIP CODE PHONE NUMBER	J M ROGERS COO, BUILDING ENTERPRISES, LLC 1 PESOTI DRIVE ASHEVILLE, NC 28801 (828)987-3923
PIN NUMBER(S) OF PROPERTY BEING DEVELOPED	964741482700000
ZONING DISTRICT	CENTRAL BUSINESS DISTRICT / CONDITIONAL ZONING
USE BUILDING HEIGHT AND NUMBER OF STORIES PER BUILDING	EXISTING HOTEL BUILDING - 54 FT, 4.5 STORIES NEW APARTMENT BUILDING - 144 FT ENTRY TO TOP OF RESTAURANT 11 STORIES NEW CONDOMINIUM BUILDING - 96 FT, GROCERY LEVEL TO OWNERS TERRACE 7 STORIES - 117 FT PETAIL LEVEL TO TOP OF PARAPET 8 STORIES

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PLANNING ARCHITECTURE INTERIORS

12 S. LEXINGTON AVENUE, UNIT 100
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FOR GMP PRICING ONLY

Four Points Asheville Mixed-Use Development

22 Woodfin St, LLC

22 Woodfin Street, Asheville, NC 28801

REVISIONS:

#	DESCRIPTION:	DATE

SHEET NAME:
OVERALL BUILDING ELEVATIONS

PHASE:
DRC SUBMITTAL

ISSUE DATE: 05/27/21
PROJECT #: 20065
DRAWN BY: ERH / CJ

SHEET NUMBER
A202

804

7/1/2021 4:28:13 PM
Autodesk Docs://20065 - 4 Points Condominium V2022/Four Points Sheraton Mixed Use v2022.rvt

ORDINANCE NO. 4400 /4900

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Fiscal Year 2021-22 Budget Ordinance be amended to provide an appropriation of $77,750 to provide the City's cost share of the sidewalk project as follows:

GENERAL CAPITAL PROJECTS FUND (K1001)

Revenues:

Sidewalk Fee In Lieu	$77,750

Appropriations:

Contracted Services	$77,750

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 14th day of September, 2021.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

410

ORDINANCE NO. 4401 / 4901

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Fiscal Year 2021-22 Budget Ordinance be amended to add an appropriation of $1,128,575 and amend the Special Revenue Fund as follows:

SPECIAL REVENUE FUND

Revenues:

Federal Revenue Distribution - ARPA	$1,128,575
Total Revenues	$1,128,575

Appropriations:

Contracted Services	$1,128,575
Total Appropriations	$1,128,575

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this the 14th day of September 2021.

Magdalen Bouleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bouleson
City Clerk

ORDINANCE NO. 4402 14902

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Fiscal Year 2021-22 Budget Ordinance be amended to add an appropriation of $750,000 and amend the Special Revenue Fund as follows:

SPECIAL REVENUE FUND

Revenues:

Federal Revenue Distribution - ARPA	$750,000
Total Revenues	$750,000

Appropriations:

Personnel and Admin Costs	$750,000
Total Appropriations	$750,000

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this the 14th day of September 2021.

Magdalen Burleson
City Clerk

Esther G. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

412

ORDINANCE NO. 4403 /4903

ORDINANCE ESTABLISHING CONDITIONAL ZONING FOR PROPERTY LOCATED AT 200 VILLAS COURT

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this proposed amendment is consistent with the *Living Asheville - A Comprehensive Plan for our Future* and is determined to be reasonable, and in the public interest for the following reasons:

a) Supports infill housing in a growing and urbanizing area;
b) Provides affordable housing to those earning 80% of area median income.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

The zoning classification of that certain real property described in Exhibit A and identified on Buncombe County tax maps as PINs 9628-27-0626, and recorded in Deed Book 4728, Page 1291, along with 16 parcels within the community also identified in Exhibit A, with the majority of land currently owned by Resurgence Development Company LLC from Residential Multi-family, Medium Density (RM-8) to Residential Expansion - Conditional Zone (RES EXP - CZ). A copy of the official zoning map showing said lots is attached hereto as Exhibit "A.1" and made a part hereof. Said rezoning is subject to the conditions set out in Exhibit "E", and substantially compliant with the site plan(s) and elevations as shown on Exhibit D attached hereto and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. The ordinances shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 5. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 14th day of September, 2021.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

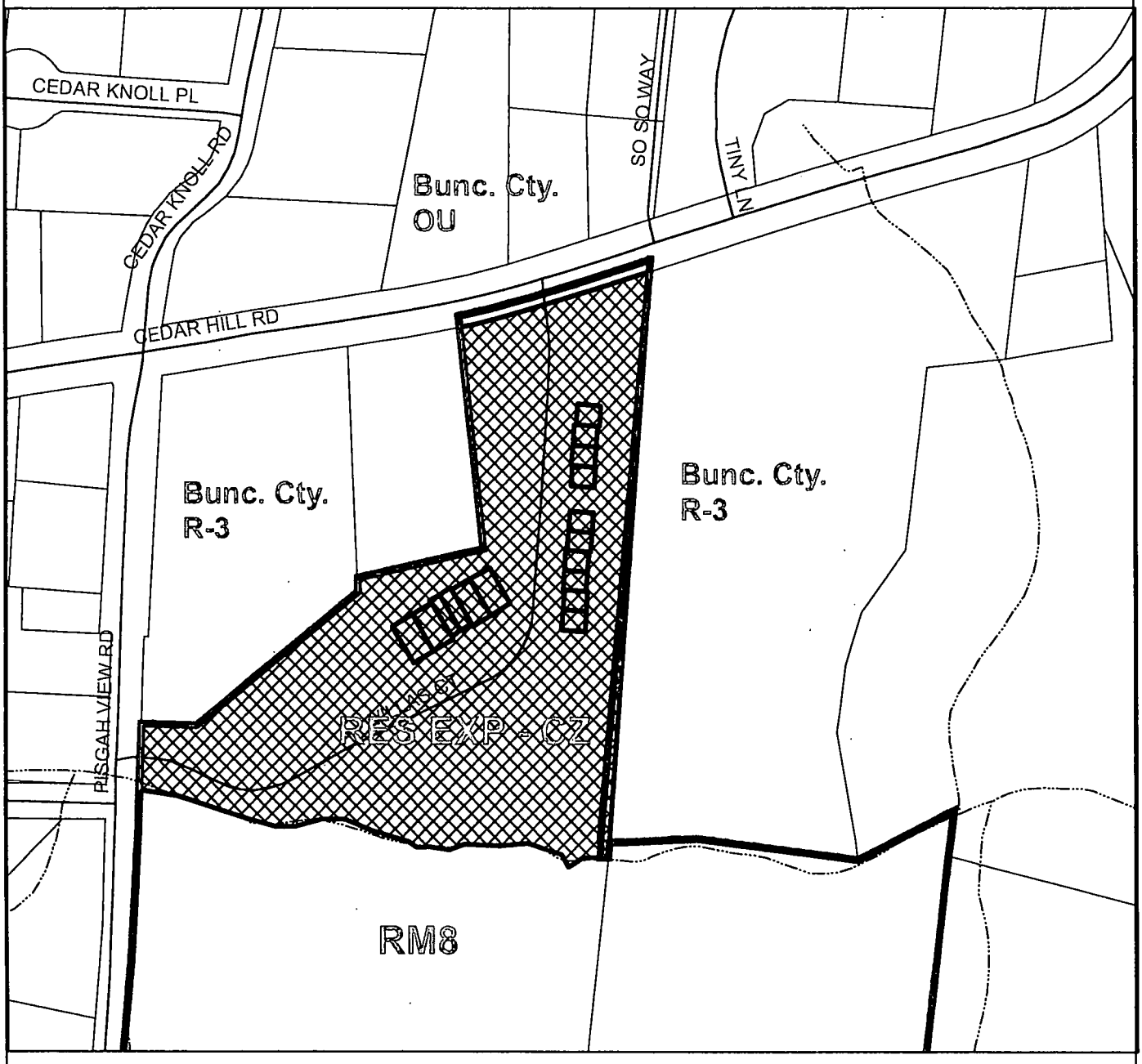
Magdalen Burleson
City Clerk

414

City of Asheville
Exhibit A1 Map - Proposed Zoning
Conditional Rezoning Petition - 200 Villas Ct.

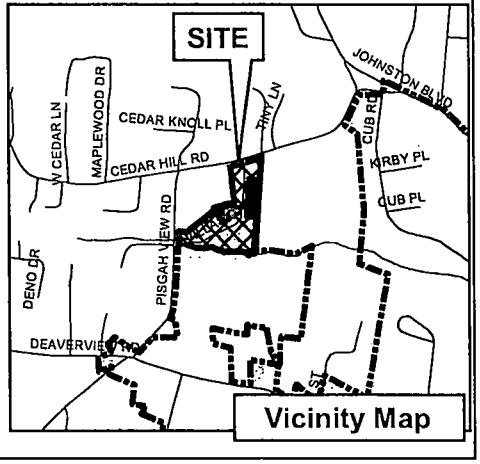
ASHEVILLE

N W E S



Project Name: 200 Villas Ct. (New Villas @ Cedar Hill)
Project Number: 20 - 05035 PZ
Project Description: CZ from RM 8 to RES EXP - CZ
Petitioner(s): Jim Hitt
Parcel ID Number(s): 9628-27-0626 + others (see agenda)

Location/Address: 200 Villas Ct.+ others (see agenda)



Project Site
Zoning Districts
Parcels
Streets
Asheville City Limits
River Areas

City of Asheville Planning and Urban Design Department - February 2020

EXHIBIT E - PROJECT CONDITIONS
The New Villas @ Cedar Hill

1. The property included in the rezoning is shown on the site plan and is identified on the Buncombe County tax map as PINs 9628-27-0626. Located entirely within this property are 16 individual parcels (with separate PINs) that represent an earlier phase of the development. Collectively, these parcels are the Subject Property and total 5.29 acres.

2. Pursuant to this ordinance, the entire Subject Property is rezoned to a Residential Expansion - Conditional Zone (RES-EXP CZ), but approval is limited to the proposed expansion described herein.

3. The Subject Property is located at 200, 402, 404, 406, 408, 602, 604, 606, 608, 610, 612, 701, 703, 705, 707, 709, 711 Villas Ct. The new construction will be located on the 4.91 acre parcel located at 200 Villas Ct. and integrated with the existing buildings.

4. The development project (The New Villas at Cedar Hill) includes seven new buildings that will add 72 new residential units, reconstructed surface parking and other infrastructure, and sidewalk connections to and throughout the property. A minimum of 41,000 square feet of common open space is also proposed and will include limited park/playground amenities.

5. A minimum of ten percent of the total number of units (or 8 eight units) will be designated affordable to those earning 80% of Area Median Income (AMI) for a minimum period of 20 years from final completion of the development. The sales or rent and income limits will follow the Affordable Housing Standards determined annually by the City of Asheville Community Development Department. An Affordable Housing Deed Restriction will be provided by the City and will be filed and recorded by the property owner in the Buncombe County Register of Deeds prior to the project receiving final zoning permit.

6. There are two building types proposed including a two-story design containing eight units each, and a three-story design containing 12 units each. The maximum overall building height is 31' 3" for the two-story building, and 40' 3" for the three-story building. The location, footprint, and size of the structures on the Subject Property will be substantially as shown on the site plan, and the appearance of the structures will be substantially as shown on the elevation drawings.

7. The project includes two driveways, with access from Cedar Hill Rd. to the north and Pisgah View Rd. to the south/southwest. Throughout the site a total of 118 surface parking spaces are provided, including a minimum of five accessible parking spaces and six bicycle parking spaces provided throughout the site.

8. The project provides a minimum six foot wide sidewalk behind a five foot grass strip along the Cedar Hill Rd. and Pisgah View Rd. frontages. These sidewalks will connect to internal sidewalks that are a minimum of five feet wide throughout the site.

9. A minimum of 41,000 square feet of open space is provided on the site as shown on plans and includes common amenities. Tree canopy preservation requirements will also be satisfied as required by Article XIX of the Unified Development Ordinance ("UDO").

10. Landscaping will be provided on the site according to standards required by Section 7-11-3 of the UDO and as shown on site plans. A Type A buffer will be provided where the Subject Property abuts residentially zoned property along the western and eastern boundaries of the Subject Property.

11. A designated jurisdictional waterway (tributary to Smith Mill Creek) runs along the southern boundary of the property and requires a 30' aquatic buffer. Approximately 5400 square feet of disturbance will occur within this buffer area as indicated on the site, grading and stormwater plans.

12. Signage shall be permitted separately and shall be limited to no more than one ground mounted sign at each of the two entrances into the community. Maximum sign dimensions include a height not to exceed five feet and a sign face not to exceed 16 square feet, with a minimum setback of 10 feet.

13. Except as modified herein, the Project shall comply with all conditions outlined in the TRC Staff Report.

14. The Project will undergo final review by the TRC prior to issuance of any permits. Compliance with the items listed above will be required at that time except as allowed by the City Code, or as follows:
    a. Sidewalk widths will range from 5-6 feet, as shown on the site plans.
    b. Approximately 5400 square feet of disturbance within the aquatic buffer.
    c. Use of existing driveway connections to public streets that exceed City of Asheville Standard Specifications and Details.

15. All proposed site and exterior building lighting must meet the outdoor lighting requirements found in UDO Sec. 7-11-10.

16. The building design, site design and orientation on site must substantially comply with the approved site plan and elevations which are incorporated herein by reference. Any major deviations from these plans will require a rezoning.

17. All legally required local, state, and federal permits and approvals must be obtained prior to initiation of construction and any pertinent legal requirements shall be met.

18. The conditional zoning will be valid for two years from the date of approval by City Council with building permits applied for within this 24-month period. Failure to obtain building permits within this time frame shall render the approval null and void.

Agreed to and Accepted this 14th Day of September by the Property Owner/Applicant:

member/manager

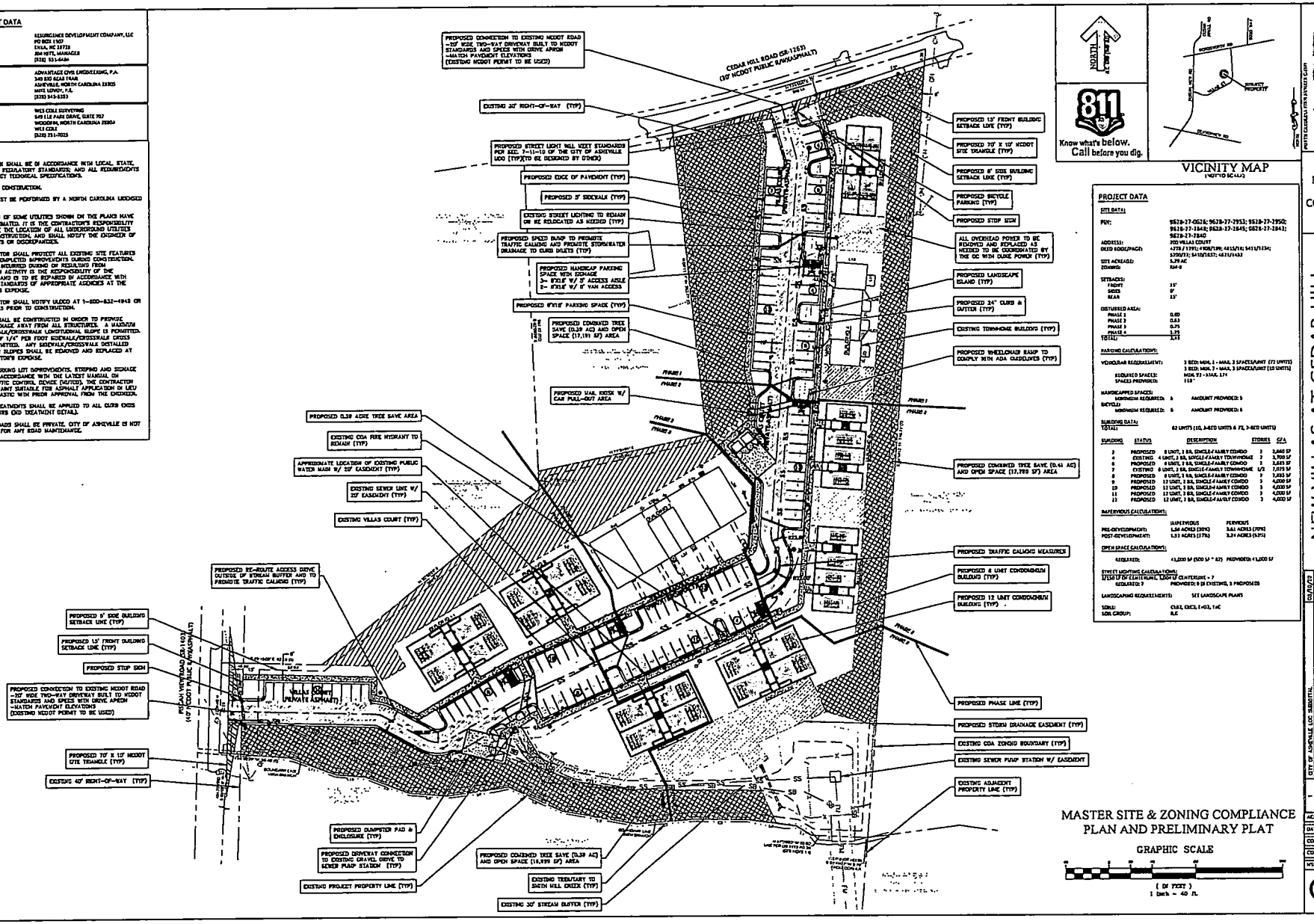
Owner/Applicant Signature

DEVELOPMENT DATA

OWNER/DEVELOPER:	RESURGENCE DEVELOPMENT COMPANY, LLC PO BOX 1907 EALA, NC 18728
CONTACT:	JIM HOTE, MANAGER (828) 551-6686
CIVIL ENGINEER:	ADVANTAGE CIVIL ENGINEERING, P.A. 340 BEE BEAR TRAIL ASHEVILLE, NORTH CAROLINA 28805
CONTACT:	MIKE LOVOY, P.E. (828) 545-5353
SURVEYOR:	WES COLE SURVEYING 549 LIE PARK DRIVE, SUITE 707 MOORSPRA, NORTH CAROLINA 28803
CONTACT:	WES COLE (828) 251-0025

NOTES

1. ALL SITE WORK SHALL BE IN ACCORDANCE WITH LOCAL, STATE, AND FEDERAL REGULATORY STANDARDS; AND ALL REQUIREMENTS IN THE PROJECT TECHNICAL SPECIFICATIONS.
2. MULTI-PHASE CONSTRUCTION.
3. ALL WORK MUST BE PERFORMED BY A NORTH CAROLINA LICENSED CONTRACTOR.
4. THE LOCATION OF SOME UTILITIES SHOWN ON THE PLANS HAVE BEEN APPROXIMATED. IT IS THE CONTRACTOR'S RESPONSIBILITY TO DETERMINE THE LOCATION OF ALL UNDERGROUND UTILITIES PRIOR TO CONSTRUCTION, AND SHALL NOTIFY THE ENGINEER OF ANY CONFLICTS OR DISCREPANCIES.
5. THE CONTRACTOR SHALL PROTECT ALL EXISTING SITE FEATURES AND NEWLY COMPLETED IMPROVEMENTS DURING CONSTRUCTION. ANY DAMAGE INCURRED DURING OR RESULTING FROM CONSTRUCTION ACTIVITY IS THE RESPONSIBILITY OF THE CONTRACTOR AND IS TO BE REPAIRED IN ACCORDANCE WITH APPLICABLE STANDARDS OF APPROPRIATE AGENCIES AT THE CONTRACTOR'S EXPENSE.
6. THE CONTRACTOR SHALL NOTIFY ULOCO AT 1-800-632-4949 OR 811, 72 HOURS PRIOR TO CONSTRUCTION.
7. SIDEWALKS SHALL BE CONSTRUCTED IN ORDER TO PROVIDE POSITIVE DRAINAGE AWAY FROM ALL STRUCTURES. A MAXIMUM OF 8% SIDEWALK/CROSSWALK LONGITUDINAL SLOPE IS PERMITTED. A MAXIMUM OF 1/4" PER FOOT SIDEWALK/CROSSWALK CROSS SLOPE IS PERMITTED. ANY SIDEWALK/CROSSWALK INSTALLED WITH STEEPER SLOPES SHALL BE REMOVED AND REPLACED AT THE CONTRACTOR'S EXPENSE.
8. ALL ROAD/PARKING LOT IMPROVEMENTS, STRIPING AND SIGNAGE SHALL BE IN ACCORDANCE WITH THE LATEST MANUAL ON UNIFORM TRAFFIC CONTROL DEVICE (MUTCD). THE CONTRACTOR MAY USE A PAINT SUITABLE FOR ASPHALT APPLICATION IN LIEU OF THERMOPLASTIC WITH PRIOR APPROVAL FROM THE ENGINEER.
9. CURB END TREATMENTS SHALL BE APPLIED TO ALL CURB ENDS (REFER TO CURB END TREATMENT DETAIL).
10. PROPOSED ROADS SHALL BE PRIVATE. CITY OF ASHEVILLE IS NOT RESPONSIBLE FOR ANY ROAD MAINTENANCE.



PROJECT DATA

SITE DATA:

PIN:	9628-27-0536; 9628-27-2953; 9628-27-2950; 9628-27-1848; 9628-27-2845; 9628-27-1841; 9628-27-2840
ADDRESS:	200 VILLAS COURT
DEED BOOK/PAGE:	4778/1191; 4808/189; 4815/18; 4411/1134; 3700/31; 4410/1837; 4671/1433
SITE ACREAGE:	5.79 AC
ZONING:	RM-8
SETBACKS: FRONT	15'
SIDES	8'
REAR	15'
DISTURBED AREA: PHASE 1	0.80
PHASE 2	0.83
PHASE 3	0.75
PHASE 4	1.15
TOTAL	3.53

PARKING CALCULATIONS:

VEHICULAR REQUIREMENT:	3 BED: MIN. 1 - MAX. 2 SPACES/UNIT (72 UNITS) 3 BED: MIN. 2 - MAX. 3 SPACES/UNIT (10 UNITS)	
REQUIRED SPACES:	MIN. 92 - MAX. 174	
SPACES PROVIDED:	113 *	
HANDICAPPED SPACES: MINIMUM REQUIRED:	5	AMOUNT PROVIDED: 5
BICYCLE: MINIMUM REQUIRED:	6	AMOUNT PROVIDED: 6

BUILDING DATA:
TOTAL: 82 UNITS (10, 3-BED UNITS & 72, 3-BED UNITS)

BUILDING	STATUS	DESCRIPTION	STORIES	GFA
3	PROPOSED	8 UNIT, 3 BR, SINGLE-FAMILY CONDO	3	2,660 SF
4	EXISTING	4 UNIT, 3 BR, SINGLE-FAMILY TOWNHOME	2	3,700 SF
6	PROPOSED	8 UNIT, 3 BR, SINGLE-FAMILY CONDO	3	2,625 SF
7	EXISTING	8 UNIT, 3 BR, SINGLE-FAMILY TOWNHOME	1/2	7,073 SF
8	PROPOSED	8 UNIT, 3 BR, SINGLE-FAMILY CONDO	3	2,625 SF
9	PROPOSED	12 UNIT, 3 BR, SINGLE-FAMILY CONDO	3	4,000 SF
10	PROPOSED	12 UNIT, 3 BR, SINGLE-FAMILY CONDO	3	4,000 SF
11	PROPOSED	12 UNIT, 3 BR, SINGLE-FAMILY CONDO	3	4,000 SF
12	PROPOSED	12 UNIT, 3 BR, SINGLE-FAMILY CONDO	3	4,000 SF

IMPERVIOUS CALCULATIONS:

	IMPERVIOUS	PERVIOUS
PRE-DEVELOPMENT:	1.54 ACRES (26%)	4.41 ACRES (74%)
POST-DEVELOPMENT:	2.31 ACRES (37%)	3.24 ACRES (53%)

OPEN SPACE CALCULATIONS:
REQUIRED: 41,000 SF (500 LF * 82) PROVIDED: 41,000 SF

STREET LIGHTING CALCULATIONS:
1/150 LF OF CENTERLINE, 1,000 LF CENTERLINE = 7
REQUIRED: 7 PROVIDED: 9 (8 EXISTING, 1 PROPOSED)

LANDSCAPING REQUIREMENTS: SEE LANDSCAPE PLANS

SOILS: CLE, CHC, FHC, FAC
SOIL GROUP: B,C

VICINITY MAP

PRELIMINARY NOT FOR CONSTRUCTION

NEW VILLAS AT CEDAR HILL
MASTER SITE & ZONING COMPLIANCE PLAN AND PRELIMINARY PLAT

BUNCOMBE COUNTY

200 VILLAS CT
ASHEVILLE NC 28806

REVISION #	DESCRIPTION	DATE
1	CITY OF ASHEVILLE UDC SUBMITTAL	02/10/20
2	BUNCOMBE COUNTY MSD ALLOCATION REQUEST	02/10/20
3	COA TRC SUBMITTAL	02/21/20

ACE PROJECT NO.: 18073
DATE: 04-30-2020
COA RECORD NO.: TBD
COA WATER PROJECT NO.: TBD
MSD SEWER PROJECT NO.: TBD

C2.0
SHEET

Exhibit D

818

ORDINANCE NO. 4404 /4904

ORDINANCE AMENDING CHAPTER 7 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE TO ESTABLISH THE URBAN PLACE FORM ZONING DISTRICT AND RELATED REGULATORY ADJUSTMENTS

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety, and welfare; and

WHEREAS, the Unified Development Ordinance (Chapter 7 of the City Code of Ordinances) specifies development standards and review processes for commercial development; and

WHEREAS, the Comprehensive Plan outlines themes that seek to create 'A Livable Built Environment' and 'A Resilient Economy' by encouraging responsible growth along commercial corridors as part of the city's growth strategy; and

WHEREAS, this amendment aligns with the City Council goals to update the Unified Development Ordinances in order to reflect recommendations in the Comprehensive Plan and other adopted goals and plans; and

WHEREAS, this Ordinance is determined to be reasonable, in the public interest, and is consistent with the Comprehensive Plan in the following ways:

1. Encourages responsible growth;
2. Increases mixed-use development along transit corridors;
3. Improves urban design;
4. Makes streets more walkable, accessible, comfortable and connected;
5. Increases housing supply and encourage the development of affordable housing; and,
6. Facilitates development that maximizes public benefit.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1: Chapter 7 of the Code of Ordinances of the City of Asheville is hereby amended as follows:

a. Amend Section 7-5-9(a)(1)(a) to read as follows:

a. *New construction and changes of use to a higher impact.*

1. Industrial building(s), structure(s), or development(s) in the river zoning district with a gross floor area of 100,000 square feet or more;
2. Commercial building(s), structure(s) or development(s) with a gross floor area of 100,000 square feet or more;

420.

3. Office or institutional building(s), structure(s) or development(s) with a gross floor area of 100,000 square feet or more;
4. Mixed use buildings, projects, or developments with a gross floor area of 150,000 square feet or more and where over 30-80% of the gross square footage is dedicated to residential dwelling units.
5. Any residential development or residential subdivisions containing 50 or more individual dwelling units; or containing 80 or more individual dwelling units if within the Urban Place Form district;
6. Any campground, camper-trailer park, or combination thereof, with 50 or more individual sites and/or units;
7. Any hotel, whether alone or in combination with other uses, that:

    a. Fails to meet the criteria in subsection 7-9-7(f) of this chapter,
    b. Is over 100 feet in height, or
    c. Has a room count over 115 rooms.

b. Replace Section 7-8-26 in its entirety to be replaced with the following:

Urban Place Form District

c. Amend Section Sec. 7-8-41(d) to read as follows:

(d) *Development standards.* If applicable, there should be general compatibility with height and building step-back standards with an adopted form based code or other adopted plans or design guidelines in place for, or adjacent to, the project area. Where the form code standards conflict with the standards in this subsection, the form code standards shall control. Where there is no form code, the following standards shall apply.

d. Amend Section Sec. 7-8-41(d)(13) to read as follows:

(13) *Design and operation standards.* Where there is no form code, the following standards shall apply:

a. The front of the building shall be oriented towards the primary access corridor. Building sides should be similar to their fronts. On corner lots the building or portions of the building must be located at the street corner.
b. All buildings shall include a well-defined operable entrance at regular intervals not exceeding 75 feet on each primary facade to encourage access by pedestrians.
c. Fenestration is required along the building facade(s) facing the primary access corridor, for a minimum of 40 percent of the ground floor horizontal dimension.
d. Within 100 feet of a residentially zoned area, the height of buildings and other structures shall be subject to the height limitations of the residential zone to form a transition area.

e. Trash collection and other delivery functions should be directed away from residentially zoned areas.

These standards shall not apply to industrial or institutional projects.

e. Amend the following subsections of Sec. 7-16-1(b) - Uses by right, subject to special requirements to read as follows:

(19) *Commercial uses accessory to residential uses.* RM-8, RM-16, Neighborhood Business, Office, Office II, Institutional, Urban Place Form, Urban Residential, Urban Village.

(27) *Dwellings, single-family detached.* Urban Residential.

(28) *Dwellings, townhouse.* RM-6, RM-8, RM-16, RS-8, Office, Office II, Office Business, Community Business I, Community Business II, Resort, Highway Business, Central Business, Regional Business, Commercial Industrial, River, Neighborhood Corridor, Urban Residential, Institutional.

(32) *Fire/police stations.* Neighborhood Corridor, Urban Residential Districts.

(44) *Mobile food vending.* Office, Office II, Office Business, Community Business I, Community Business II, Institutional, Highway Business, Regional Business, Central Business, River, Commercial Industrial, Light Industrial, Industrial, Urban Village, Neighborhood Corridor, Urban Place Form.

f. Amend the following subsections of Sec. 7-16-1(c) - Uses by right, subject to special requirements standards to read as follows:

(19) *Commercial uses accessory to residential uses.*

a. Use districts: RM-8, RM-16, Neighborhood Business, Office, Office II, Institutional, Urban Place Form, Urban Residential, Urban Village.

b. Permitted only when accessory to multi-family residential.

c. Services limited to: dining halls, barber and beauty shops, laundry facilities, food stores, banks, newsstands, drugstores, flower shops, gift shops.

d. No signs or merchandise visible from off premises.

e. May occupy no more than 25 square feet per dwelling unit within the residential development.

(27) *Dwellings, single-family detached.*

a. Use districts: Urban Residential.

b. Not more than 25 percent of the total number of dwellings in any development shall be detached single-family dwellings.

(28) *Dwellings, townhouse.*

a. Use districts: RM-6, RM-8, RM-16, RS-8, Office, Office II, Office Business, Community Business I, Community Business II, Resort, Highway Business, Central Business, Regional Business, Commercial Industrial, River, Neighborhood Corridor, Urban Residential, Institutional.

b. Minimum lot size, width and side yards (except for street sides of corner lots and end units in townhouse clusters) are waived for lots containing townhouse units; provided that the residential density for each phase of a project does not exceed the maximum permissible residential density for the respective use district. A common area that supports the townhouse development may be used to reduce the residential density to the required maximum provided that this area is commonly owned (or owned by the related community association) and is adjacent to one or more of the lots containing townhouse units within each phase of the development. This common area must be accessible to all residents of the townhouse development.

c. Within RM-6 districts, townhouse developments where the total area within lots containing townhouse units exceeds the maximum residential density permitted within the zoning district, an area of undeveloped, vegetated land sufficient to reduce the residential density to the required maximum shall be designated as permanent open space and shall be dedicated for use by the residents of the townhouse units. This open space area shall be adjacent to one or more of the lots containing townhouse units within each phase of the development, and accessible to all residents of the townhouse development.

d. Within RM-6 districts townhouse projects shall be limited to no more than four townhouses in one attached cluster.

e. All parking shall be located to the rear of the structure(s) unless garages are provided for each new unit and the majority of the homes on both sides of the block have parking located in the front of the structure(s).

f. All townhouse developments shall comply with all other applicable development and subdivision standards.

(32) *Fire/police stations.*

a. Use districts: Neighborhood Corridor, Urban Residential Districts.

b. Excludes protective services.

(44) *Mobile food vending.*

a. Use Districts: Office, Office II, Office Business, Community Business I, Community Business II, Institutional, Highway Business, Regional Business, Central

Business, River, Commercial Industrial, Light Industrial, Industrial, Urban Village, Neighborhood Corridor, Urban Place Form.

g. Amend Section 7-17-1(c)(4) to read as follows:

(4) *Lawful nonconformity* means any nonconformity involving a dimensional or numerical requirement or use of property that affects a structure erected or a lot created in conformity with the then-applicable development requirements of the city, but subsequently made nonconforming by action of the city through a zoning map or unified development code amendment. For non-construction related purposes such as but not limited to, financing, appraisals, or zoning verification, a lawful nonconformity shall be regarded as conforming.

h. Amend 7-17-4(c) to read as follows:

(c) *Replacement/reconstruction.* The reconstruction of a lawfully nonconforming structure and/or a structure that is occupied by a nonconforming use, which has a valid certificate of occupancy and which is destroyed or damaged by an event resulting from natural causes or an accident, without intent to damage or destroy on the part of the property owner, may be restored to its original dimensions and conditions, provided:

(1) The reconstruction does not increase the degree, extent or limits of the nonconformity;
(2) A valid building permit is issued within 12 months of the date of the event; and,
(3) That the use occupying the structure after repair does not result in a change of use.

Nothing herein shall prevent a reconstruction that removes or reduces the nonconformity.

Section 2: If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 3: All ordinances or parts of ordinances in conflict are hereby repealed to the extent of such conflict.

Section 4: This ordinance will become effective upon adoption.

Read, approved, and adopted this 28th day of September, 2021.

42.4.

City Clerk

Mayor

Approved as to form:

City Attorney

City Clerk

425

Urban Place Form District

ADOPTED
September 28, 2021

426

CONTENTS

1.0 General Provisions

1.1. Purpose. 1
1.2. Intent 1
1.3. Applicability 1
1.4. Transitional Provisions 2

2.0. District Standards

2.1. General Form Rules 3
2.2. Urban Place Regulations. 19

3.0. Land Use

3.1. Principal and Accessory Uses. 23
3.2. Parking Decks 24

4.0. Site Development

4.1. Streets and Connectivity. 25
4.2. Parking. 27
4.3. Landscaping and Screening 31
4.4. Signs 32
4.5. Outdoor Display and Storage 42

5.0. Administration

5.1. Form-Based Code Administration. . . 43

6.0. Definitions

6.1. Defined Terms 44

427

1.1. Purpose

The purpose of the Urban Place Form District is to implement transit-supportive land use recommendations as proposed in Living Asheville, the city's comprehensive plan. The Urban Place Form District will align with proposed Urban Centers of the city's Future Land Use Map.

1.2. Intent

The main intent of the Urban Place Form District is to guide new development towards a more urban form to:

A. Accommodate a growing population & support new businesses that increase and diversify the local economy

B. Mix uses and integrate a wide range of housing options, especially affordable units, closer to jobs

C. Improve connectivity with an emphasis on walkability, accessibility and transit supportive connections

D. Support a healthy environment for residents, workers and visitors with trees and comfortable open spaces

1.3. Applicability

A. Application of Chapter 7, Development

1. All development within the Urban Place Form District shall conform with the requirements of Chapter 7. The following requirements of Chapter 7 do not apply in the Urban Place Form District, unless expressly stated otherwise:

   a. § 7-10-2. Required setbacks; allowable encroachments into required setbacks.

   b. § 7-11-2(c). Off-Street Parking Requirements;

   c. § 7-11-2(d), Off-Street Loading Requirements;

   d. § 7-11-2(e)(2), Remote Parking;

   e. § 7-11-3(d)(5), Building Impact Landscaping;

   f. § 7-13-4(a)(8)(a), Temporary Signs.

2. The use of buildings and land within the Urban Place Form District is subject to all applicable local, state, and federal regulations, whether or not such other provisions are specifically referenced in the Urban Place Form District. References to other regulations or provisions of the Urban Place Form District are for the convenience of the reader. The lack of a cross-reference does not exempt a land, building, structure or use from other regulations.

B. Conflicting Provisions

1. Interpretation of conflicts between the Urban Place Form District and any other City ordinance or regulation (including Chapter 7) are controlled by the Urban Place Form District.

2. The graphics, illustrations and photographs used to visually explain certain provisions of the Urban Place Form District are for illustrative purposes only. Where there is a conflict between a graphic, illustration or photograph and the text, the text controls.

1.4. Transitional Provisions

A. New Development

1. Except as provided in Sec. 1.4.C below, upon the effective date of the Urban Place Form District or any subsequent amendment, any new building or other structure or any use of land must be constructed or developed only in accordance with all applicable provisions of the Urban Place Form District.
2. No excavation or filling of land or construction of any public or private improvements may take place or commence except in conformity with the Urban Place Form District.

B. Existing Development

Any existing use, lot, building or other structure legally established prior to the effective date of the Urban Place Form District that does not comply with any provision of these specific regulations is a legal non-conformity pursuant to Article 17.

C. Previously Issued Permits and Pending Applications

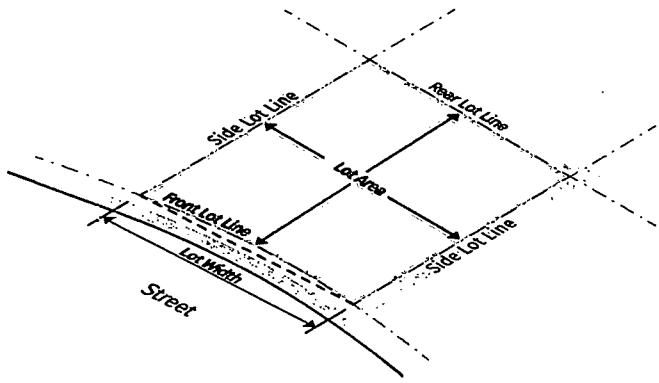
Previously issued permits and pending applications will be processed in accordance with and decided pursuant to the law existing on the date the application was filed.

The following general rules and definitions are applicable to the Urban Place Form District.

A. Lot

1. Defined

   A parcel of land either vacant or occupied intended as a unit for the purpose, whether immediate or for the future, of transfer of ownership, or possession, or for development.



2. Lot Area

   Lot area is the area included within the rear, side and front lot lines. Lot area does not include existing or proposed right-of-way, whether dedicated or not dedicated to public use.

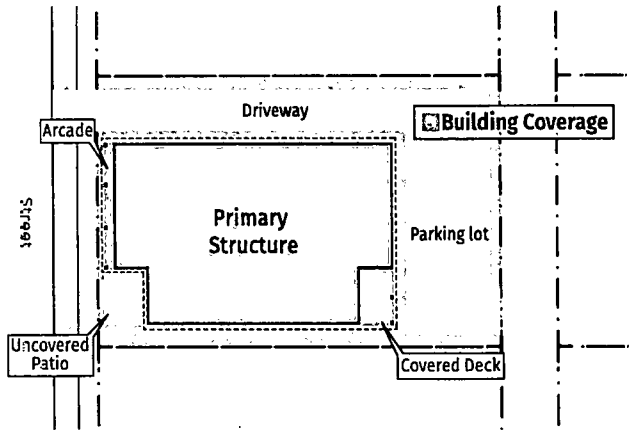
3. Lot Width

   Lot width is the distance between the two side lot lines measured at the primary street property line along a straight line or along the chord of the property line on a curvilinear lot.

B. Building Coverage

1. The maximum area of the lot that is permitted to be covered by buildings, including both principal structures, structured parking and roofed accessory structures, including gazebos.

2. Building coverage does not include paved areas such as driveways, uncovered porches or patios, decks, swimming pools, porte cochere, or roof overhangs of two feet or less. Surface parking is not considered part of building coverage.



C. Building Setbacks

1. Generally

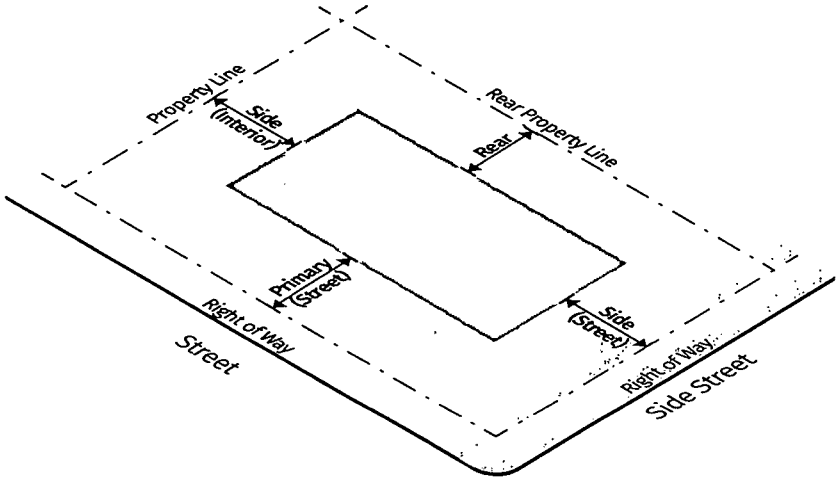
   There are 4 types of setbacks – primary street, side street, side interior and rear. Building setbacks apply to both principal and accessory buildings and structures except where explicitly stated otherwise.

2. Measurement of Building Setbacks

   a. The primary street setback is measured at a right angle from the primary street right-of-way line. In cases where sidewalks and street trees are located on private property, as allowed by Sec. 4.2, the building setbacks shall be measured from the back of sidewalk.

   b. On corner lots the side street setback is measured at a right angle from the side street right-of-way line.

   c. The rear setback is measured at a right angle from the rear property line or the rear right-of-way or easement line where there is an alley. The rear property line is the property line opposite to the primary street property line.



   d. All lot lines which are not primary street, side street or rear lot lines are considered side interior lot lines for the purpose of measuring setbacks. Side interior setbacks are measured at a right angle from the side property line.

   e. In cases where a public utility easement (PUE) is on private property the building setbacks may be measured from the easement line or the setback may be reduced to 0' from the easement line.

3. Primary Street Designation

   a. Where only one street abuts a lot, that street is considered a Primary Street.

   b. A lot can have more than one Primary Street.

D. Parking Setbacks

1. All parking spaces must be located behind the parking setback line. Underground parking may encroach into a required parking setback but cannot extend into a required easement or the right-of-way.

2. The parking setback applies to surface parking and to the ground story only of a building.

3. Parking setbacks are measured from the right-of-way.

E. Parking Location for Townhouses/Multifamily

1. General

   Garage doors used for the parking of vehicles must be placed entirely to the rear of the unit and be rear-accessed and must face the rear alley or easement.

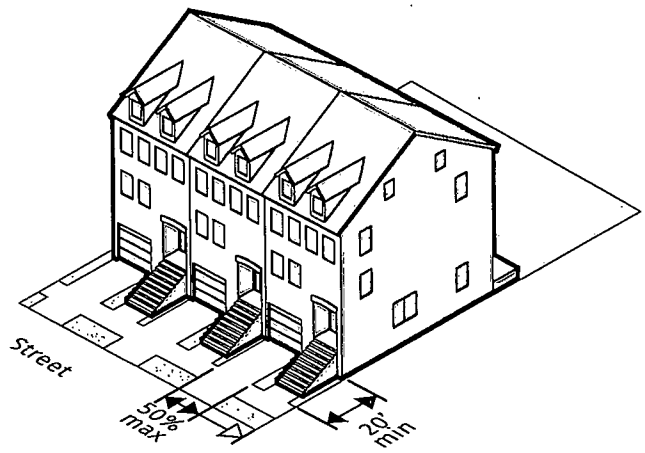
2. Exception

   Garage doors my face the street provided the following are met:

   a. Garage doors may constitute no more than 50% of the width of the individual townhouse unit.

   b. Combined parking and driveway area cannot be more than 50% of the area between the front building facade and the front property line.

   c. Any parking in the front setback must have sufficient depth so that parked cars do not encroach on the adjacent sidewalk. To provide sufficient depth, the garage doors must be set back at least 20 feet from the sidewalk.



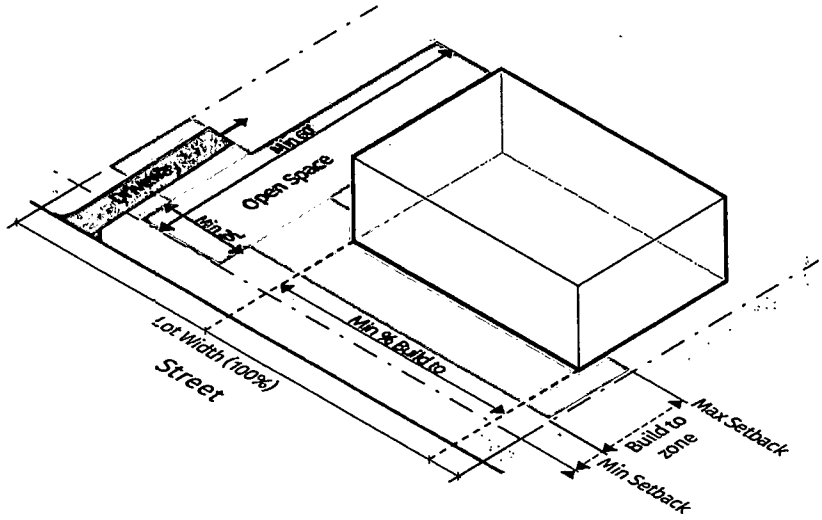
   d. Garage doors must be recessed at least one foot behind the front wall plane or a second-story element over the garage doors must be provided that extends at least one foot beyond the front wall plane.

F. Build-to Zone (BTZ)

1. Defined

   a. The build-to zone (BTZ) is the area on the lot where a certain percentage of the front of any building facade must be located, measured as a minimum and maximum setback range from the edge of the right-of-way that may be a private or public street. In cases where required streetscape elements are installed on private property the building setbacks shall be measured from the back of the streetscape elements.

   The required percentage specifies the amount of the front building facade that must be located in the BTZ, measured based on the width of the building divided by the width of the lot. Driveways and open spaces. Permitted driveways and open spaces may be removed from the BTZ calculations. Open spaces within the BTZ shall measure at least 60' deep and 25' wide.



b. The BTZ applies up to the minimum required building height.

2. Corner Lots

On a corner lot, a building facade must be placed within the BTZ for the first 30 feet along the street extending from the block corner, measured from the intersection of the two right-of-way lines.

3. Through Lots

Projects on through lots may select the street to which the BTZ shall be applied.

4. Uses Allowed

With the exception of parking spaces and outdoor storage, all structures and uses (including outdoor dining) allowed on the lot are allowed in the BTZ.

5. Driveways

In no case will driveway access to a lot be denied because of the build-to requirement.

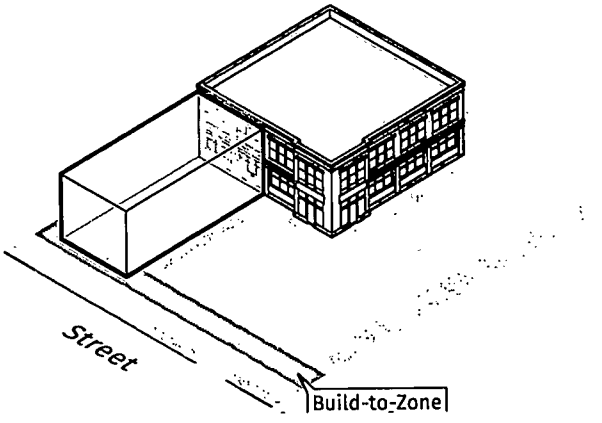
G. Nonconforming Build-to Zone

1. Additions

Expansion of an existing building which is unable to meet the build-to requirement, must comply with the following nonconforming provisions:

a. Front: Addition

Any addition to the front that exceed 50% of the existing footprint must be placed in the BTZ; however, the addition does not have to meet the build-to percentage for the lot. A front addition is not allowed on a contributing structure in a National Register Historic District or a structure that is eligible for historic designation (although a variance may be granted where a hardship exists, including but not limited to a conflict with the NC Building Code or specific purposes for the addition that make a front location the most technically, not financially feasible option).

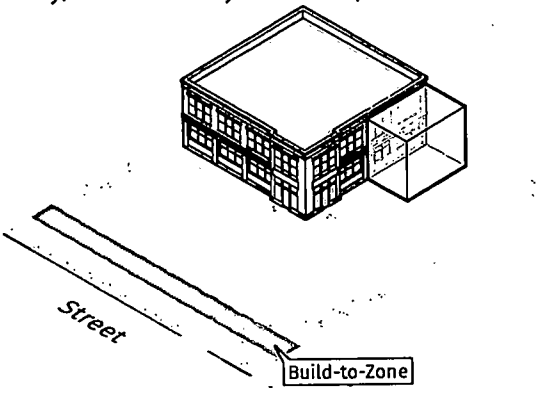


b. Rear: Addition

Rear additions are allowed because the extension does not increase the degree of the nonconformity.

c. Side: Addition

Side additions meeting the following conditions



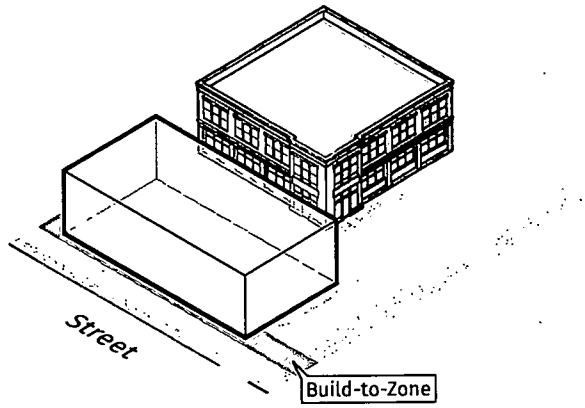
are allowed:

i. The side addition is no greater than 500 square feet in area or 20% of the existing building footprint, (whichever is greater) and is less than 50% of the existing building width measured along the primary street.

ii. In the case of a contributing structure in a National Register Historic District (or a structure eligible for designation), the side addition must be placed no closer than 5 feet from the street-facing facade of the building.

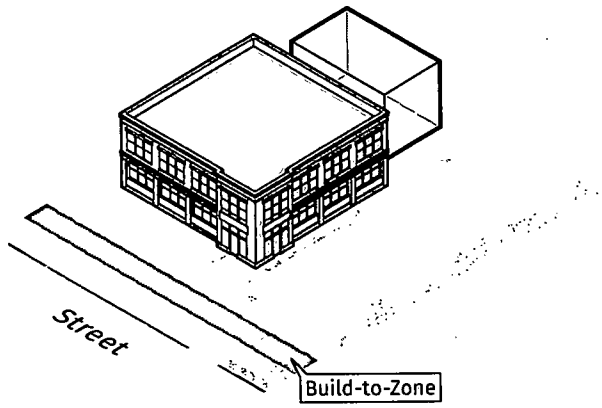
2. New Buildings

Where a new building is being constructed on a lot or site with an existing building on it that doesn't meet the build-to requirement, the following nonconforming provisions apply.



a. Front: New Building

All new buildings must be placed in the build-to zone until the build-to percentage for the lot has been met.

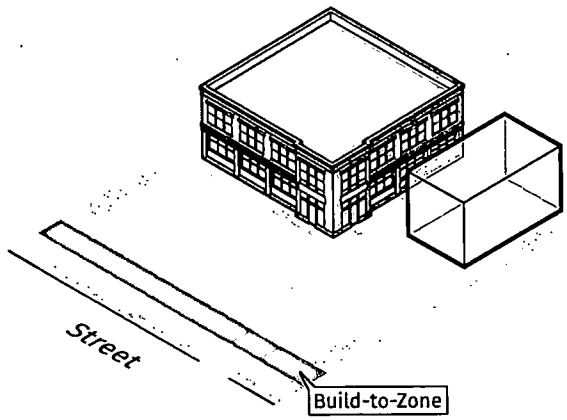


b. Rear: New Building

New buildings located outside of the build-to zone are not allowed until the build-to percentage for the lot has been met.

c. Side: New Building

New buildings located outside of the build-to zone are not allowed until the build-to percentage for the lot has been met.



d. Accessory Structures: New Structure

New accessory structures must be placed behind or to the side of the principal building. Outdoor dining may be placed at the front of the lot to enhance activity at the sidewalk.

H. Setback Encroachments

All buildings and structures must be located at or behind the required setbacks except as listed below.

Unless specifically stated, no building or structure can extend into a required easement or public right-of-way.

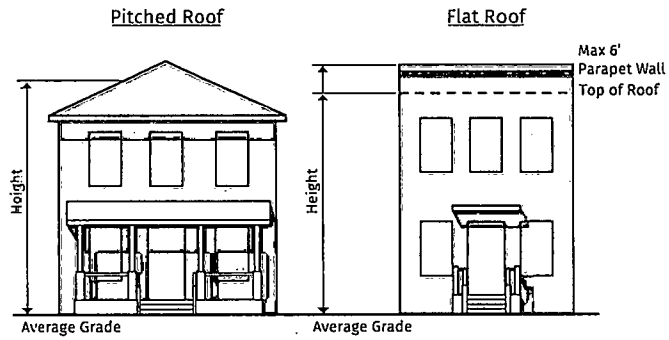
1. Building Features
   a. Arcades, awnings/canopies, balconies, front porches and stoops may encroach into a required primary or side street setback as stated in Sec. 2.1.S.
   b. Raised entries may extend into a required primary or side street setback as stated in Sec. 2.1.T.
   c. Building eaves, roof overhangs, gutters, downspouts, light shelves, bay windows and oriels less than 10 feet wide, cornices, belt courses, sills, buttresses or other similar architectural features may encroach up to 3 feet into a required setback, provided that such extension is at least 2 feet from the vertical plane of any lot line.
   d. Chimneys or flues may encroach up to 4 feet, provided that such extension is at least 2 feet from the vertical plane of any lot line.
   e. Unenclosed patios, decks, balconies, stoops, porches, terraces or fire escapes may encroach into a side interior or rear setback, provided that such extension is at least 6 feet from the vertical plane of any lot line and bufferyard requirements, if any, are met.
   f. Handicap ramps may encroach to the extent necessary to perform their proper function.
   g. Structures below and covered by the ground may encroach into a required setback.
2. Low Impact Stormwater Features
   a. Low impact stormwater management features may encroach up to 2 feet into a primary street setback (but not into the required sidewalk), including, but not limited to:
      i. Rain barrels or cisterns, 6 feet or less in height;
      ii. Planter boxes;
      iii. Bio-retention areas; and
      iv. Similar features, as determined by the City Engineer.
   b. Low impact stormwater management features listed above may encroach into a side interior or rear setback, provided such extension is at least 2 feet from the vertical plane of any lot line.
3. Mechanical Equipment and Utility Lines
   a. For residential buildings only, mechanical equipment such as HVAC units and security lighting, may encroach into a required rear or side interior setback, provided that such extension is at least 3 feet from the vertical plane of any lot line.
   b. Minor structures accessory to utilities (such as hydrants, manholes, and transformers and other cabinet structures) may encroach into a required rear, side interior or side street setback.
4. Other Setback Encroachments
   a. Fences and walls under § 7-10-3.

b. Property line buffers under Sec. 4.3.

c. Signs under Sec. 4.4.

I. Building Height

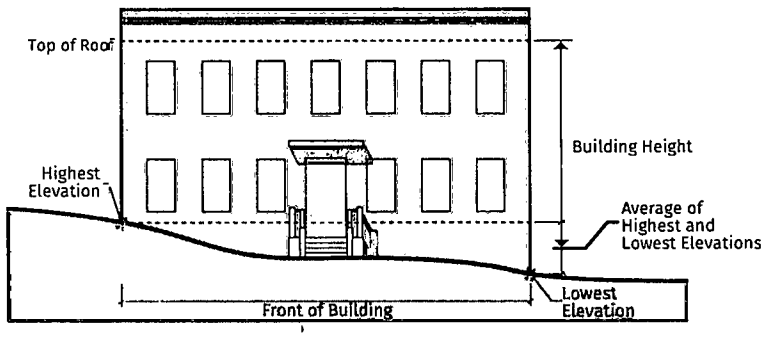
1. Building height is regulated in both number of stories and feet and is measured from the average grade to the mean height level between the eaves and ridge of a gable, hip, mansard, or gambrel roof or to the highest point of roof surface of a flat roof, not including a maximum 6-foot high parapet wall encroachment. In no case is a parapet allowed to exceed 6 feet in height above the roof deck.



2. Average grade is determined by calculating the average of the highest and lowest elevation along natural or improved grade (whichever is more restrictive) along the front of the building parallel to the primary street setback line.

3. An attic does not count as a story where 50% or more of the attic floor area has a clear height of less than 7½ feet; measured from the finished floor to the finished ceiling.

4. A basement with 50% or more of its perimeter wall area surrounded by natural grade is not considered a story.



J. Height Encroachments

Any height encroachment not listed below is prohibited.

1. The maximum height limits of the district do not apply to spires, belfries, cupolas, domes, smoke stacks or other type of structure not intended for human occupancy; monuments, water tanks, beer tanks, water towers or other similar structures which, by design or function, must exceed the established height limits.

2. The following specified accessory structures, building and site features, and mechanical equipment may exceed the established height limit provided they do not exceed the maximum height by more than 6 feet:

   a. Chimney, flue or vent stack;

   b. Flagpole;

c. Vegetation associated with a rooftop garden or landscaping;

d. Skylights;

e. Parapet wall; and

f. Solar panels, wind turbines and rainwater collection systems.

3. The following may exceed the established height limits provided they do not exceed the maximum building height by more than 6 feet, do not occupy more than 25% of the roof area, and are set back at least 10 feet from the edge of the roof:

a. Elevator or stairway access to roof;

b. Rooftop shade structure;

c. Greenhouse; and

d. Mechanical equipment.

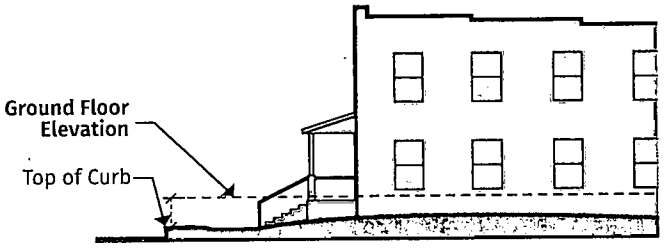
4. Any of the elements listed in paragraphs 2. and 3. above are considered accessory to the principal structure and must not be used for any purpose other than as incidental to the principal structure.

K. Ground Floor Elevation

1. Ground floor elevation is measured from top of the adjacent curb to the top of the finished ground floor.

2. Minimum ground floor elevation applies to the first 30 feet of the lot measured from the right-of-way line, except where ground floor elevation must meet the requirements of § 7-12-1 Flood Protection.

3. Ground floor elevation must meet the requirements of the NC Building Code.

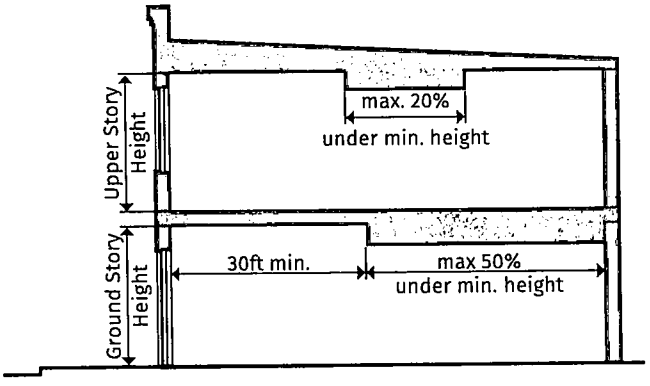


L. Story Height

1. Story height is measured from the top of the finished floor to the ceiling above.

2. Minimum ground story height applies to the first 30 feet of the building measured inward from the street-facing facade. At least 50% of the ground story must meet the minimum height provisions.

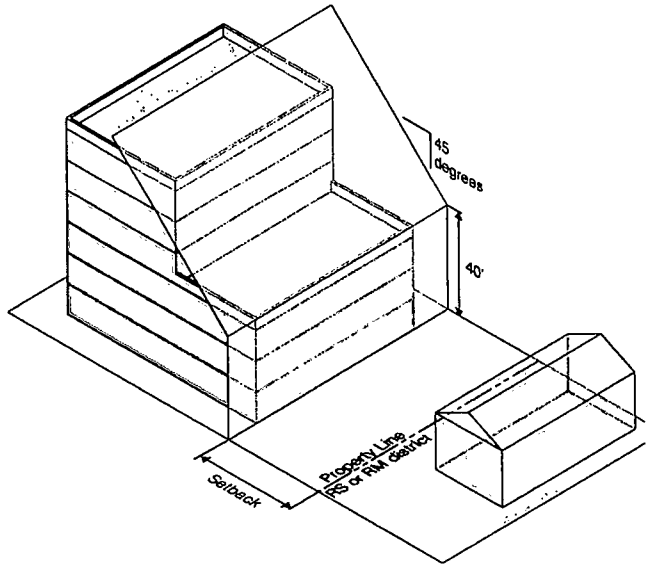
3. At least 80% of each upper story must meet the minimum upper story height provisions.



M. Neighborhood compatibility.

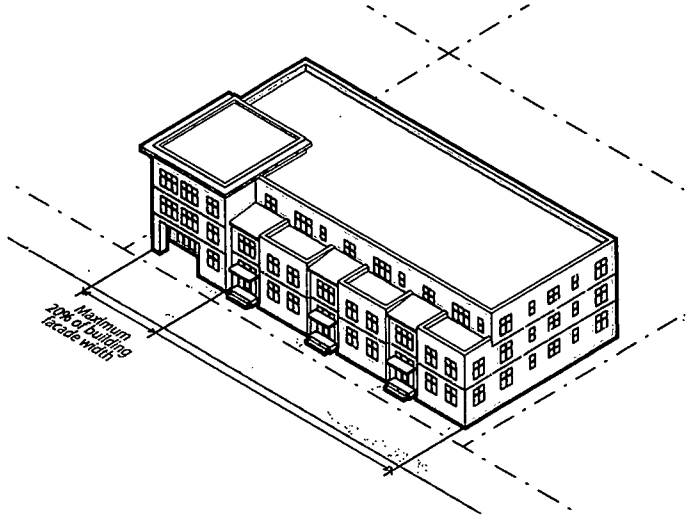
1. Building transition plane

   a. A building transition plane is required in certain cases when form district property is abutting an RS or RM district. When abutting an RS or RM district, a building shall not extend into a 45-degree angular plane projecting over the subject property measured from a height of 40 feet at the side interior or rear setback line. One foot of additional setback is required for every foot of height above 40 feet.



N. Building Street Stepbacks

Building stepbacks require certain upper stories to be stepped back from the right-of-way line by at least 10 feet. A maximum of 20% of the building facade width may encroach into the 10 foot stepback as shown below.



O. Transparency

1. The minimum percentage of windows and doors that must cover a ground or upper story facade is measured from top of the finished floor to the top of the wall plate. The percentage is derived for each story based on the transparent area of all ground or upper story windows and doors divided by the total area of the ground or upper story facade.

2. Transparency applies to primary and side street-facing facades only, except when a building that is below grade has an average exposed height that is less than six feet above street grade.

3. Glass is considered transparent where it has a transparency higher than 80% and external reflectance of less than 15%.

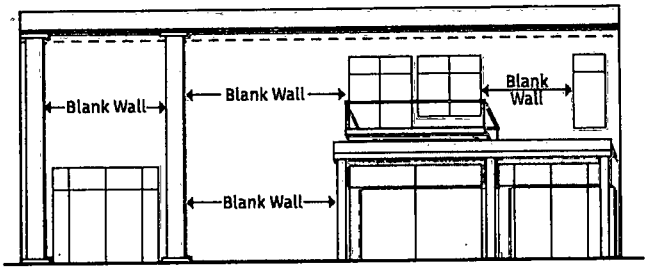
4. An opening to a parking garage is not considered transparency.

5. Any glass in a roll-up door for a restaurant or entertainment use (and not for loading purposes) is considered transparent.

6. Roll-up doors that have no or limited transparency that can be rolled up during regular business hours (and are not used for the storing or parking of cars) can count for up to 50% of a transparency requirement.

P. Blank Wall Area

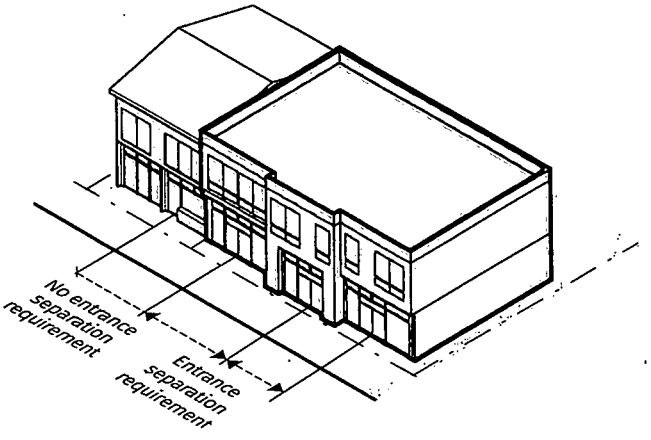
1. Blank wall area means a portion of the exterior facade of the building that does not include: windows or doors; columns, pilasters or other articulation greater than 12.inches in depth; or a substantial material change (paint color is not considered a substantial change). The same material used in a different pattern does not constitute a substantial material change.



2. Blank wall area applies horizontally to ground and upper story primary and side street-facing facades.

Q. Pedestrian Access

1. An entrance providing both ingress and egress, operable to residents or customers at all times during operating hours, is required to meet the street-facing entrance requirements. Additional entrances off another street, pedestrian area or internal parking area are permitted.
2. The entrance spacing requirements must be met for each building, but are not applicable to adjacent buildings.



3. Doors are not permitted to swing into a public right of way.
4. An angled entrance may be provided at either corner of a building along the street to meet the street-facing entrance requirements.
5. See Sec. 2.1.T for additional entry requirements in flood prone areas.

R. Streetscape

1. The required sidewalk may be wholly or partially located on private property, provided the sidewalk is located within an easement permanently dedicated to the City.

S. Building Elements

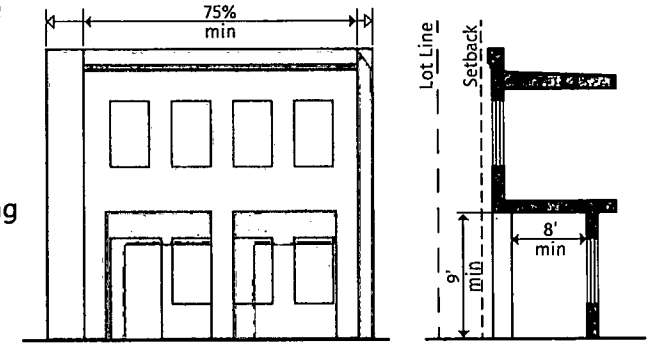
1. Arcade

   A covered passage supported by arches or columns that is open on three sides with enclosed habitable space above.

a. An arcade must have a clear depth from the support columns to the building's facade of at least 8 feet and a clear height above the sidewalk of at least 9 feet.

b. An arcade must be contiguous and extend over at least 75% of the width of the building facade from which it projects.

c. An arcade cannot encroach into a required setback or the public right-of-way.

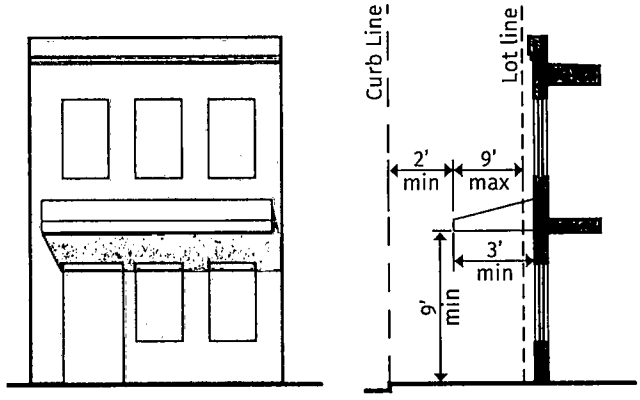


2. Awning/Canopy

A wall-mounted, cantilevered structure providing shade and cover from the weather for a sidewalk.

a. An awning/canopy must be a minimum of 9 feet clear height above the sidewalk and must have a minimum depth of 3 feet. The Planning and Urban Design Director may approve a modification to these standards in order to fit an awning or canopy on an existing building.

b. An awning/canopy may extend into a required setback above private property.



c. An awning/canopy may encroach up to 9 feet into the public right-of-way but must be at least 2 feet inside the curb line or edge of pavement, whichever is greater. The encroachment requires City approval.

3. Balcony

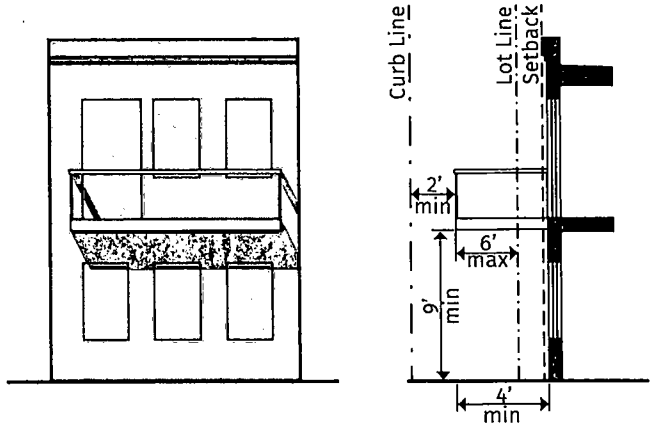
A platform projecting from the wall of an upper-story of a building with a railing along its outer edge, often with access from a door or window.

a. A balcony extend up to 6 feet into a required setback, provided that such extension is at least 2 feet from the vertical plane of any lot line.

b. A balcony must have a clear height above the sidewalk of at least 9 feet.

c. A balcony may be covered and screened, but cannot be fully enclosed.

d. A balcony may encroach up to 6 feet into the public right-of-way but must be at least 2 feet inside the curb line or edge of pavement, whichever is greater. This requires city approval.



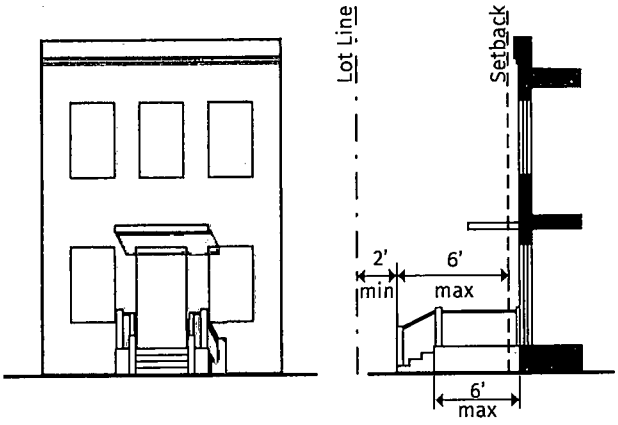
4. Stoop

   A small raised platform that serves as an entrance to a building.

   a. A stoop must be no more than 6 feet deep (not including the steps) and 6 feet wide.

   b. A stoop may be covered but cannot be fully enclosed (must not be screened in).

   c. A stoop may extend up to 6 feet, including the steps, into a required setback, provided that such extension is at least 2 feet from the vertical plane of any lot line.



   d. A stoop and stairs/ramp may not encroach into the public right-of-way.

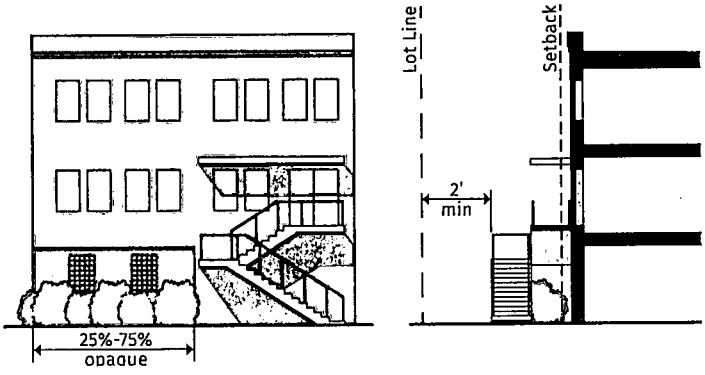
T. Flood Area Building Entries

In flood prone areas, one of the following entry treatments must be used to meet the street-facing entry requirement.

1. Raised Entry, External

   Stairs attached to the outside of a building that provides pedestrian access to the first occupiable floor in a flood prone area.

   a. Where parking is provided within or below a building on the ground level, the parking area must be screened from the right-of-way with a street wall that is at least 25% but no more than 75% opaque.



   b. The area between the street-facing building facade and the sidewalk must be planted at ground level, or in raised planters or planting beds permanently affixed to the ground. Plantings must consist of shrubs within 6 feet of the building facade that attain a height of at least 3 feet. Planting is not required at entrances to and exits from the building or within driveways. Seating areas and public art are encouraged but not required.

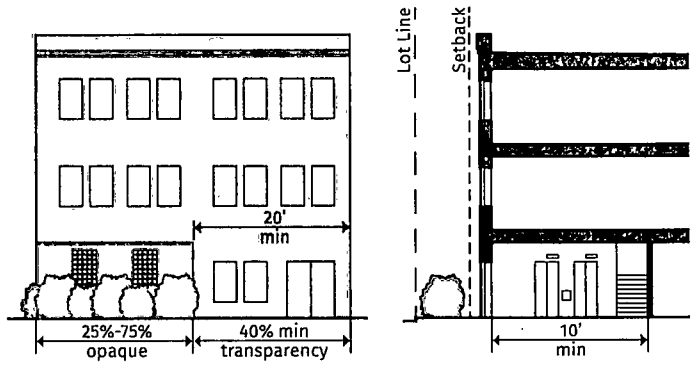
   c. A raised external entry may extend into a required setback, provided that such extension is at least 2 feet from the vertical plane of any lot line.

   d. Handrails and fences shall be a maximum of 75 % opaque.

2. Raised Entry, Internal

   An at-grade building entrance that provides access to shared entry area of a building in a flood prone area.

a. A lobby with a minimum width of 20 feet must be provided along the street-facing building facade at the level of the adjoining sidewalk with a depth of at least 10 feet. Transparency must be applied to at least 40% of the surface area of the street-facing building facade.



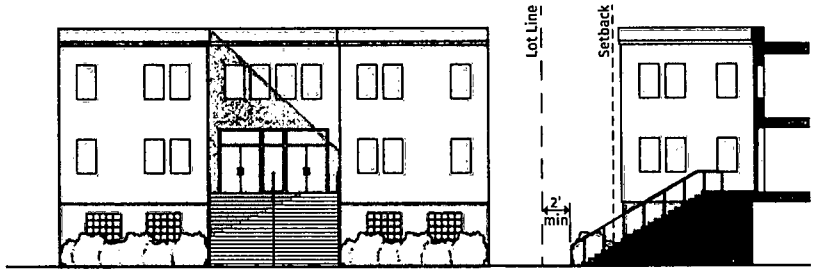
b. Where parking is provided within or below a building on the ground level, the parking area must be screened from the right-of-way with a street wall that is at least 25% but no more than 75% opaque.

c. The area between the street-facing building facade and the sidewalk must be planted at ground level, or in raised planters or planting beds permanently affixed to the ground. Plantings must consist of shrubs within 6 feet of the building facade that attain a height of at least 3 feet. Planting is not required at entrances to and exits from the building or within driveways. Seating areas and public art are encouraged but not required.

3. Raised Entry, Staircase

A staircase integral to the building that provides pedestrian access to the first occupiable floor in a flood prone area.

a. Stairs must be constructed between grade and the lowest occupiable floor and the staircase must be a minimum width of 10 feet.



b. Where parking is provided within or below a building on the ground level, the parking area must be screened from the right-of-way with a street wall that is at least 25% but no more than 75% opaque.

c. The area between the street-facing building facade and the sidewalk must be planted at ground level, or in raised planters or planting beds permanently affixed to the ground. Plantings must consist of shrubs within 6 feet of the building facade that attain a height of at least 3 feet. Planting is not required at entrances to and exits from the building or within driveways. Seating areas and public art are encouraged but not required.

d. The stairs may extend into a required setback, provided that such extension is at least 2 feet from the vertical plane of any lot line.

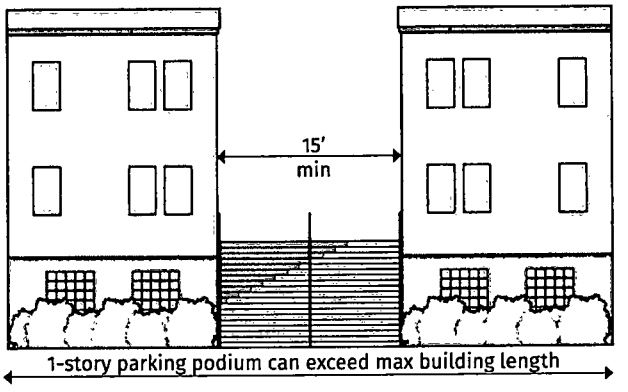
U. Maximum Building Length Options

Street-facing building length is the maximum length of a building before a new building must be constructed. The following options can be used to meet the maximum street-facing building length set for each sub-district.

1. Flood Prone Areas

a. Parking Podium

A 1-story parking podium may break the maximum street-facing building length requirement provided the following standards are met every 200 feet:



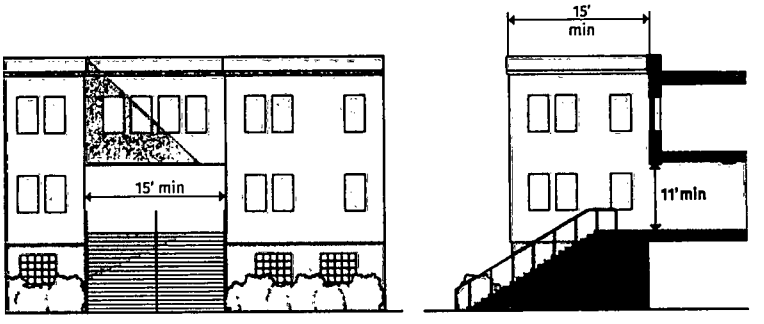
i. A raised staircase is provided (see Sec. 2.1.T.1)

ii. A direct pedestrian connection on top of the parking podium is provided from the front of the lot to the rear, or to the intersecting alley or street behind.

iii. The distance between buildings on top of the parking podium is at least 15 feet.

b. Upper Stories

Stories above the first occupiable story may also break the maximum street-facing building length requirement provided the following standards are met every 200 feet:



i. A raised staircase is provided (see Sec. 2.1.T.1)

ii. A direct pedestrian connection on top of the parking podium is provided from the front of the lot to the rear, or to the intersecting alley or street behind.

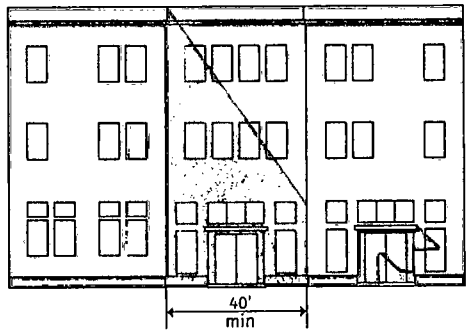
iii. The pedestrian connection is at least 15 feet in width and has a clear height of at least 11 feet.

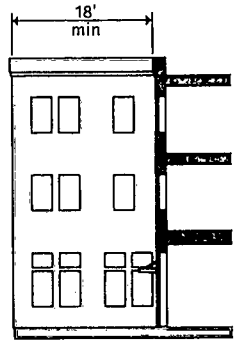
iv. For the width of the staircase, stories above the first occupiable story must be set back at least 15 feet from the front facade of the parking podium.

2. Non-Flood Prone Areas

a. Ground Level

The ground level of a building may break the maximum street-facing building length required provided the following standards are met every 200 feet:





i. A plaza or public space is created for a width of at least 40 feet.

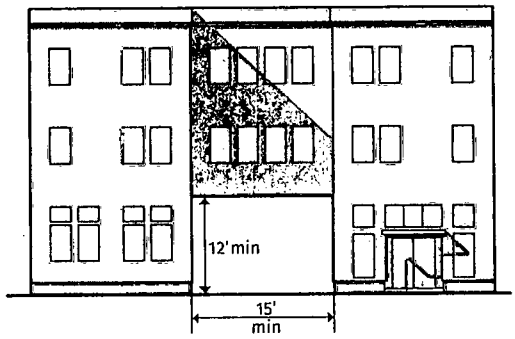
ii. The plaza/public space shall have a depth of at least 18 feet.

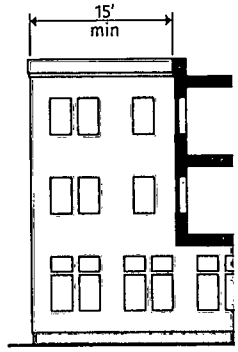
b. Upper Stories

The upper stories of a building may break the maximum street-facing building length requirement provided the following standards are met every 200 feet:

i. A direct pedestrian connection is provided from the front of the lot to the rear, or to the intersecting alley or street behind.

ii. The pedestrian connection is at least 15 feet in width and has a clear height of at least 12 feet.

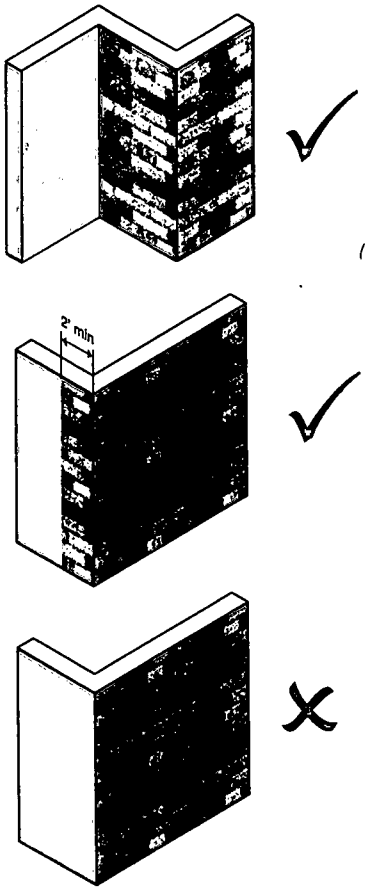


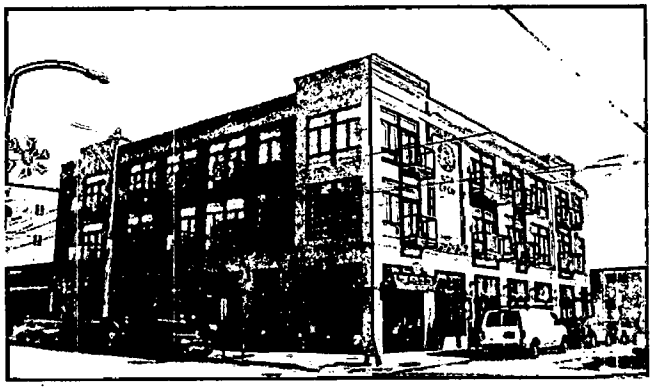


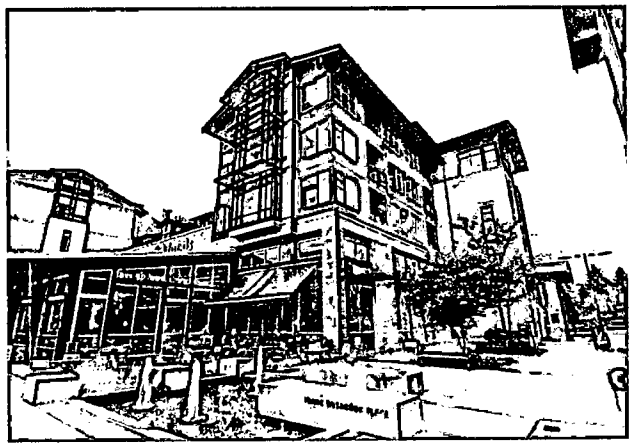
iii. For the width of the pedestrian connection, upper stories must be set back at least 15 feet from the front facade of the building.

V. Use of Materials

1. When selecting appropriate materials for new construction, consider the context of the surrounding environment and other structures in the vicinity of the project. Traditional materials such as brick, terra-cotta, natural stone, cast stone, wood, metal, glass, or concrete are preferred for new construction and renovations. The use of modern sustainable or green materials may justify deviations from the use of traditional materials. Synthetic finishing system materials are not permitted at the ground or street level.
2. Primary material changes must occur only at inside corners or where they wrap around an outside corner a minimum of two feet.







A. Purpose and Intent

1. Form

   The Urban Place Form District is intended to accommodate the development of higher-density, mixed-use urban centers that are human scaled. A greater emphasis on interconnectivity and efficient land use highlights the pedestrian-oriented focus, where mixing residential units with commercial activity connects housing to jobs.

2. Height

   Building height is limited to four stories. Additional stories are allowed for the provision of affordable units, to not exceed six stories.

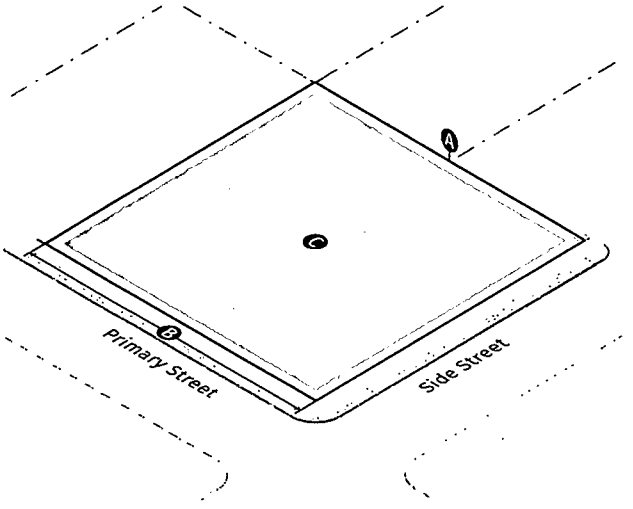
3. Front Setbacks

   Ground floor facades are located within a reasonable distance to the street to encourage pedestrian activity while allowing design flexibility.

4. Use

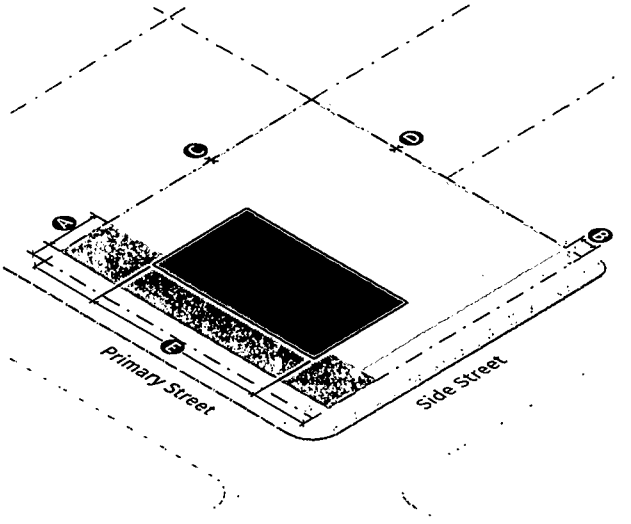
   A broad range of commercial and residential uses are allowed. However, to encourage maximum levels of pedestrian activity and accessibility.

B. Block & Lot Criteria



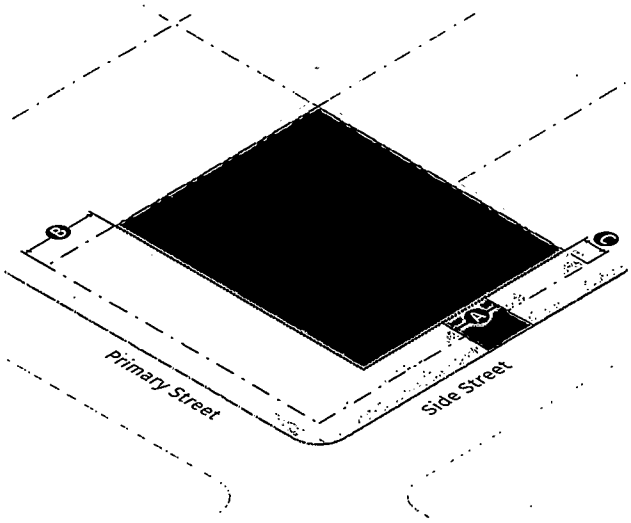
Block Dimensions	
Ideal block length	200'
Maximum block length	500'
Maximum block perimeter	2,000'
Lot Dimensions	
Ⓐ Lot area (min)	5,000 SF
Ⓑ Lot width (min)	50'
Lot Parameters	
Ⓓ Impervious surface (max)	90%
Open Space	
Open Space standards of § 7-11-4 apply	

C. Siting



Building Setbacks	
Ⓐ Primary street (min/max)	0'/20'*
* Setback for pedestrian-oriented front (min/max) Where the design of the area in front of the primary structure is oriented for pedestrian use with plaza, outdoor seating, etc, the setback may be increased.	0/40'
Ⓑ Side street (min)	5'
Ⓒ Side interior** (min)	0'
Ⓓ Rear** (min)	0'
**Side interior/Rear setback when adjacent to RS/RM zoning district	RS: 30' RM: 20'
Build-to Zone (BTZ)	
Ⓔ Building facade in primary street BTZ (min % of lot width)	70%
* For exceptions, see Sec. 2.1.F Driveways and Open Spaces	
Ⓕ Building facade in side street BTZ (min % of lot width)	n/a

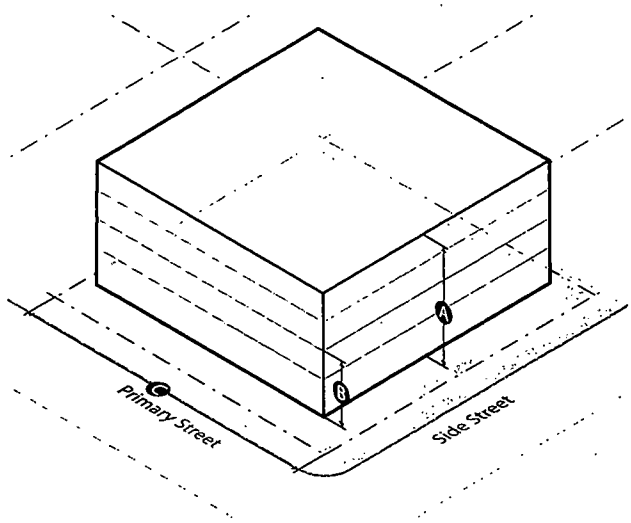
D. Access and Parking



Access	
Ⓐ Driveway width in setback (min/max)	12'/24'
Parking Setbacks*	
Ⓑ Primary street (min)	5'
Ⓒ Side street (min)	5'
Ⓓ Side interior (min)	0'
Ⓔ Rear (min)	0'

* In no case shall off-street parking be located closer to a street than the primary structure.

E. Height & Mass



Building Height	
Ⓐ Maximum height (max stories/feet)	4/55'*
* Affordable housing bonus (max stories/feet) See conditions below	6/75'
Affordability: 1) At least 20% of units meet city affordability standards for households earning 80% or less of Area Median Income (AMI) or 2) at least 80% of the units meet affordability standards for households earning 100% or less of AMI. At least 50% of affordable units shall accept Rental Assistance like Housing Choice Vouchers. Units must be affordable to and leased to income-eligible households for at least 20 years. A minimum of five affordable units are required to qualify for the bonus.	
Ⓑ Minimum height	
All uses	2 stories*
* A minimum 50% of the total gross floor area (GFA) must be located within structures that meet or exceed two stories in height.	
Building step back from primary or side street.	0'
Building Mass	
Ⓒ Street-facing building length (max)	200'*
* For exceptions, see Sec. 2.1.U Maximum Building Length Options	

F. Public Realm

Transparency	
Ⓐ Ground story, primary/side (min)*	50%/25%
Ⓑ Upper story (min)	20%
Ⓒ Blank wall area (max)	30'
Story Height	
Ⓓ Ground floor elevation (min/max)	0'/6'*
Ⓔ Ground story (min)	10'
Ⓕ Upper story (min)	9'

*Or 2' above base flood elevation where applicable.

Pedestrian Access	
Ⓖ Entrance facing primary street	Required
Ⓗ Entrance spacing along primary street (max)	50'
Building Elements Allowed	
Arcade, awning/canopy, balcony, stoop	

Building Setbacks	
Ⓘ Primary/side street	See Sec. 2.2.C
Streetscape	
Ⓙ Sidewalk (min)	
Primary street	10' with curbside parking lane or 18' without curbside parking lane
Side street	6' sidewalk with 8' planting strip or 10' sidewalk with tree grates
Ⓚ Trees	See Sec. 4.3. A

A. Allowable Land Uses

1. All permitted uses, special uses, conditional uses and uses expressly prohibited are identified in § 7-8-1(d), Table of Permitted Uses. Standards for special uses and conditional uses can be found in article XVI of this chapter. The following are exceptions to § 7-8-1(d):

   a. Public, Recreational, Commercial, or Industrial uses shall make up at least 10 percent of the total project gross square footage.

   b. Gasoline sales.

      i. Gasoline pumps in Urban Place Form Districts shall not be located between any street and the principal structures, and shall be designed to be subordinate to the primary uses of the site.

   c. Drive-through facilities or uses.

      i. Drive through facilities shall be limited to one drive through lane.

      ii. Any part of drive through facilities (i.e. drive through lanes, stacking, ordering stations, pick-up windows, etc.) shall not be located between a street and the principal structures, and shall be designed to be subordinate to the primary uses of the site.

   d. Commercial/Business Uses. On parcels larger than five (5) acres, the maximum limit for Commercial/Business Uses shall be 20,000 square feet unless the following conditions are met:

      i. Additional square footage for Commercial/Business Uses shall be permitted at a rate of 1,000 square feet of Commercial/Business area per each market rate residential unit created.

      ii. Additional square footage for Commercial/Business Uses shall be permitted at a rate of 2,000 square feet of Commercial/Business area per each affordable residential unit created where the units meet the affordablity standards (80% or less of Area Median Income; affordable to and leased to income-eligible households for at least 20 years). At least 50% of affordable units shall accept Rental Assistance like Housing Choice Vouchers.

      iii. Small individual commercial spaces measuring 1,000 square feet or less shall not count towards the 20,000 square foot maximum limit. This exception is aimed to encourage the creation of smaller commercial spaces that could be more affordable for local businesses or small new businesses seeking a presence in a mixed-use center.

B. Accessory Uses and Structures

1. Accessory uses and structures are permitted in conjunction with an allowed principal use. Accessory uses and structures must be accessory and clearly and customarily incidental and subordinate to a permitted principal use or structure.

C. No accessory use or structure may be established prior to the establishment of a permitted principal use or structure.

D. Parking Deck, Garage, Structure

1. Parking structures must meet all the requirements for a principal structure as specified in Sec. 2.0, including the parking setbacks.
2. In no case can structured parking exceed the height of the principal building on the site.
3. Where upper or ground stories of structured parking are at the perimeter of a building, they must be screened so that cars are not visible from ground level view from adjacent property or adjacent public right-of-way (not including an alley). In addition, any ground story facade treatment (building materials, windows, and architectural detailing) must be continued on upper stories.
4. Parking structure entries must not exceed 16 feet clear height and 24 feet clear width and be spaced at least 150 feet apart.
5. The ground story of any structured parking garage shall provide a full habitable story and use (such as, but not limited to, commercial, office, retail, residential, or civic space, where permitted) along active street-side façade(s) with a minimum depth of 20 feet.

4.0. SITE DEVELOPMENT

4.1. Streets and Connectivity

A. Master Planned Large Sites

1. Sites over two (2) acres in size shall propose a master plan for the entire parcel that will be presented at the required pre-application meeting and that will be reviewed by staff and submitted with the zoning application.
2. The master plan shall indicate the general street network and rights of way, the land use configuration within that network, the proposed development intensity (including the number of residential units and gross square footage of all nonresidential uses), and the proposed structure heights.
3. The master plan may include properties that fall under more than one ownership so long as there exist covenants or other legally binding agreements that address cross-access, cross parking and other similar issues affecting joint operation of the projects.
4. After approval of the master plan, regardless of scale, Urban Place Form District development projects shall be reviewed under applicable development review procedures as outlines in Article V of the UDO.
5. Any phasing timeline for the master planned, multiphased development will not exceed seven years for total project completion.

B. Street Connectivity

1. Proposed streets and buildings must be interconnected and must connect with adjacent streets external to the site in order to provide multiple routes for accessible pedestrian and vehicle trips from, to and within the project. Street connectivity shall be provided by a regular grid pattern with intersections that join perpendicularly.
   a. Existing street stubs, paper streets, or half completed streets shall be extended into the development on their proper projection.
   b. Additional new streets shall strive to meet the ideal block length of 200 feet, and shall comply with the City's standards and specifications for streets.
   c. New street stubs to adjacent commercial properties are required where the difference in grade is less than 15 percent.
   d. Existing connections to nearby properties shall be maintained for cross access and shall not be closed unless improved connections are provided.
2. Streets shall avoid cul-de-sacs and dead end roads and other features that hamper current or future connectivity, unless there is no possible alternative.
3. Streets may terminate at a monumental structure or a public open space such as a park or a plaza. In such cases, a sidewalk or other connection must be provided to ensure network connectivity.
4. Proposed streets may not exceed the maximum block length and (if applicable) maximum block perimiter.

C. Pedestrian Zones

1. Sidewalks shall be installed within the right-of-way. Where existing transportation facilities or utility easements prevent constructing the sidewalk in the right-of-way, all or a portion of required sidewalk may be installed on private property but must be constructed as close to the right-of-way as possible.
2. Sidewalks and street trees are required along the entire block of any street with a building. If there is at least one building on a street front, that entire block face must provide sidewalk and street trees.
3. All primary and secondary streets must provide accessible sidewalks and street trees on at least one side of a street.

A. Applicability

The parking requirements of § 7-11-2 apply in the Urban Place Form District, except the sections identified below:

1. § 7-11-2(c). Off-Street Parking Requirements;
2. § 7-11-2(d), Off-Street Loading Requirements;
3. § 7-11-2(e)(2), Remote Parking; and

B. Required parking.

The following minimum vehicle and bicycle parking spaces are required.

USE	VEHICLE PARKING SPACES (MIN)	BICYCLE PARKING (MIN)	
		Spaces	Short/long term
Residential			
All residential uses	.75/unit	.5/unit up to 2 bedrooms plus .25/ additional bedroom	80%/20%
Public & Institutional			
Fire, police station, day care home, adult or child, public utility or related facility	none	none	--
Place of worship	greater of 1/4 seats cr 1/40 sf	1/5,000 sf 2 min	90%/10%
School	0.5 classrooms, plus 1/5 students for high schools	1/5,000 sf 2 min	90%/10%
All other public & institutional uses	1/500 sf	1/5,000 sf 2 min	90%/10%
Recreational			
Parks, passive and greenways	none	none	--
All other recreational uses	1/500 sf + 1/1,000 sf outdoor use area	1/5,000 sf 2 min	80%/20%
Food, Beverage & Entertainment			
Mobile food vending	none	none	--
All other food, beverage & entertainment uses	1/250 sf	1/2,500 sf 2 min	80%/20%
Lodging			
All lodging uses	.75/guest room	1/2,500 SF 2 min	80%/20%
Retail, Service & Office			
All retail, service & office uses	1/500 sf	1/2,500 sf 2 min	80%/20%
Industrial			
All industrial uses	1/500 sf office space + 1/3,000 sf additional indoor space	1/5,000 sf 2 min	20%/80%
Other Use Types			
All other use types	none	none	--

1. Exception to required parking. The number of vehicle parking spaces may be reduced by 50% for projects located within a quarter mile of a transit stop on the frequent service corridors map, which includes the following:

   a. Patton Ave (Downtown to New Leicester Hwy)

   b. Merrimon Ave (Downtown to Beaverdam Rd)

   c. Tunnel Rd (Downtown to the VA Center)

   d. Biltmore Ave (Downtown to Biltmore Village)

   e. Haywood Rd (Downtown to Brevard Rd)

C. Location of Required Automobile Parking

Required vehicle parking must be located on the same lot as the use they are intended to serve, except as listed below.

1. Off-street Parking.

   a. In no case shall off-street parking be located closer to a primary street than the principal structure.

   b. Garage doors shall not face a primary street, with the exeption for townhomes/multifamily of Sec. 2.1.

2. On-Street Parking.

   a. On-street parking shall be counted when calculating the permitted number of spaces allowed. Every on-street parking space provided shall count as one required parking space.

   b. On-street parallel parking is required in front of buildings on primary streets unless sidewalks measuring at least 18 feet that include street trees are provided. Angled or perpendicular parking shall not be permitted.

   c. NCDOT streets that operate without on-street parking are exempt from the above (b) standard.

3. Remote Parking

   a. All required parking spaces, except required accessible spaces, can be located off-site if the remote parking area is located within an eighth of a mile (660 feet) from the primary entrance of the use served.

   b. Up to 50% of the required parking spaces may be located more than 660 feet off-site, if the parking area is located within 1,320 feet from the primary entrance of the use served.

   c. Specifically designated parking spaces for employees may be located off-site up to 2,640 feet from the primary entrance of the use served.

d. The off-site parking area is measured in walking distance from the nearest point of the remote parking area to the primary entrance of the use served.

e. Any remote parking spaces must be guaranteed by a written agreement between the owner of the remote parking area and the owner of the use served by the remote parking area. Change of ownership of either parcel requires a renewal of the agreement.

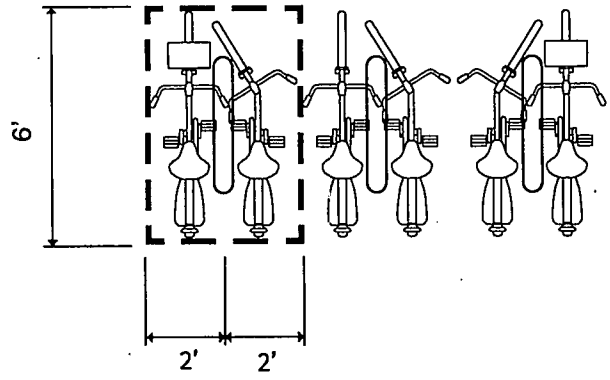
D. Location of Required Bike Parking

1. General Requirements

a. Bicycle parking spaces must be located on paved or pervious, dust-free surface with a slope no greater than 3%. Surfaces cannot be soil, vegetation, gravel, landscape stone, or wood chips.

b. Bicycle parking spaces must be a minimum of 2 feet by 6 feet. There must be an access aisle a minimum of 5 feet in width.

c. Each required bicycle parking space must be accessible without moving another bicycle and its placement must not result in a bicycle obstructing a required walkway.



d. Up to 25% of bicycle parking may be structured parking, vertical parking or wall mount parking, provided there is a 5 foot access aisle for wall mount parking.

e. All racks must accommodate cable locks and "U" locks and must permit the locking of the bicycle frame and one wheel to the rack and must support a bicycle in a stable position.

2. Short-Term Bicycle Parking

Required short-term bicycle parking spaces are those located in a convenient and visible area at least as close as the closest non-accessible vehicle parking and within 100 feet of the primary entrance.

3. Long-Term Bicycle Parking

a. Required long-term bicycle parking spaces are those located in enclosed and secured or supervised areas providing protection from theft, vandalism and weather and must be accessible to intended users.

b. Required long-term bicycle parking for residential uses cannot be located within dwelling units or within deck, patio areas, or private storage areas accessory to dwelling units.

c. Long-term bicycle parking spaces for nonresidential uses may be located off-site within 300 feet of the site.

d. The off-site bicycle parking area is measured in walking distance from the nearest point of the remote parking area to the closest primary entrance of the use served.

E. Required Vehicle Loading

1. General Provisions

   a. Loading and unloading activities may not encroach on or interfere with the use of sidewalks, drive aisles, queuing areas and parking areas by vehicles or pedestrians.

   b. With the exception of areas specifically designated by the City, loading and unloading activities are not permitted in the public right-of-way.

   c. If determined necessary by the Planning and Urban Design Director or Transportation Director, adequate space must be made available off-street for the unloading and loading of goods, materials, items or stock for delivery and shipping.

2. Location

   If a loading area is required or provided, it must meet the following.

   a. The loading area must be located on the same lot occupied by the use served and must be accessible from a public street or alley.

   b. The loading area must be located to the side or rear of buildings. Loading areas may not be placed between a street and the associated building.

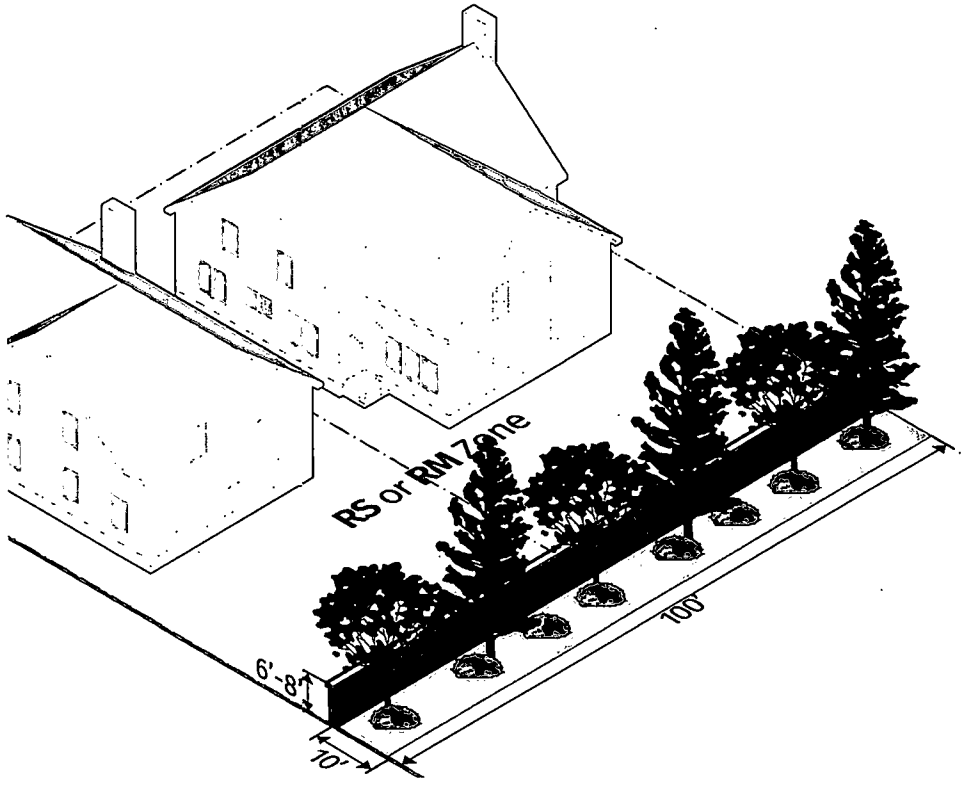
F. Transit

1. Projects that fall into one or more of the triggers to be considered for Level III developments shall integrate transit shelters at bus stops on the same side of the street within 200 feet of the project limits, if transit shelters are not already present.

A. Applicability

The landscape and buffering requirements of § 7-11-3 apply in the Urban Place Form District, with the noted exceptions identified below:

1. Exemptions. The Urban Place Form District is exempt from § 7-11-3(d)(5), Building Impact Landscaping.
2. Residential buffer. When abutting a residential district, the property line buffer requirements of § 7-11-3(d)(1) for the property line buffer apply, except that when an opaque fence or wall is used (as described below), a bufferyard may be provided as follows:
   a. Depth: 10 feet min
   b. Fence or Wall Height: 6 feet min / 8 feet max (The finished side of fence must face neighboring property or be designed such that both sides are the same)
   c. Evergreen Trees per 100 feet: 4
   d. Deciduous Trees (large) per 100 feet: 3
   e. Shrubs (large) per 100 feet: 10
   f. Bufferyard plantings may count toward tree canopy requirements



B. Site Fill

Any filling of land in the floodplain will be subject to applicable state laws and the requirements of § 7-12.

A. Applicability

The sign requirements of Article XIII apply in the Urban Place Form District, except as identified below:

1. § 7-13-4(a)(8)(a). See Sec. 4.4.K for temporary and permanent window sign requirements.

B. Sign Types Allowed by District

Signs are allowed in the Urban Place Form District as set forth below. Specific requirements for each sign type are shown on the following pages.

C. Allocation and Number of Signs Allowed

1. A-Frame Signs

   A-frame signs are permitted as temporary signs, provided they comply with the requirements of § 7-13-4(a)(8)(c).

2. Awning Signs, Canopy Signs, Wall Signs

   a. Awning signs, canopy signs and wall signs are allocated a combined sign area of 1 square foot per linear foot of street-facing building facade.

   b. Any number of wall signs, awning signs or canopy signs are allowed provided the maximum allocated sign area above is not exceeded and the specific requirements for each sign type are met.

3. Crown Signs

   a. Crown signs cannot exceed a total sign area allocation of 250 square feet per street-facing building facade.

   b. No more than 2 crown signs are allowed per building and no more than 1 crown sign per building facade is allowed.

4. Monument Signs, Post Signs

   a. Where allowed, only 1 monument sign or post sign is allowed per street frontage, provided all signs are conforming.

   b. A monument sign cannot exceed 64 square feet in area.

   c. A post sign cannot exceed 36 square feet in area.

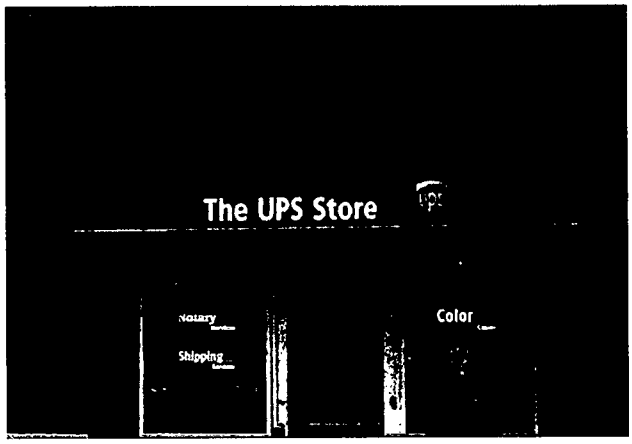
   d. One additional monument sign or post sign is allowed for properties with 1,000 feet or more of street frontage. Where more than one monument sign or post sign is allowed, signs along the same street frontage must be spaced a minimum of 500 feet apart.

5. Projecting Signs

   a. A projecting sign cannot exceed 9 square feet in area and only 1 projecting sign per ground floor tenant space is allowed.

6. Window Signs
   a. The maximum area of all ground story windows and doors that can be covered by signs is 20%.
   b. The number of window signs allowed is unlimited, provided the maximum percentage of signs covering ground story windows and doors is not exceeded.

D. Awning Sign



Description

A sign where graphics or symbols are painted, sewn, or otherwise adhered to the awning valance material as an integrated part of the awning itself.

General Provisions

» An awning sign cannot extend outside the awning.
» Only awnings over ground story doors or windows may contain signs.
» One sign is allowed per awning. A sign can be on either the front or side valance (but not on both).
» Signs are not allowed on the sloping face of the awning.
» An awning sign cannot be illuminated.

Total Sign Area Allocation

1 SF of sign area per linear foot of street-facing building facade or 30 SF if the frontage is less than 30 feet wide. This allocation includes area allocated for awning signs, canopy signs and wall signs.

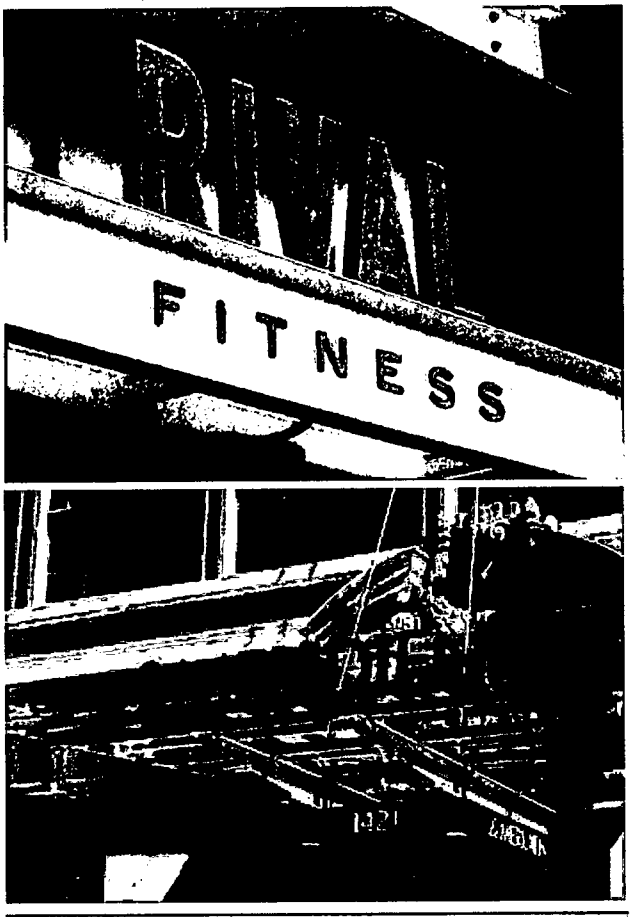
Dimensions

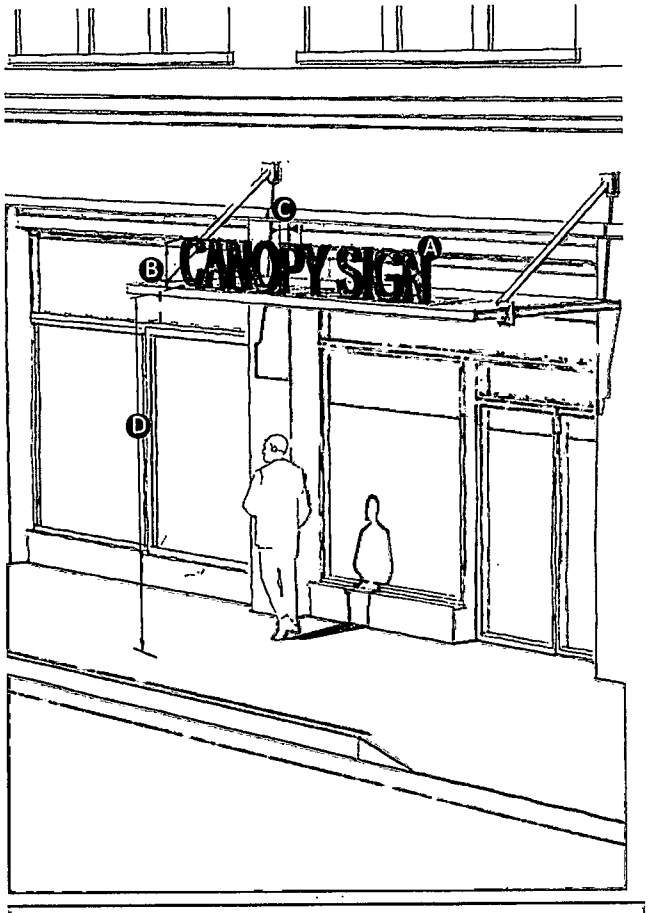
Ⓐ	Size of individual sign (max)	9 SF
Ⓑ	Height (max)	1'

Right-of-Way Encroachment

An awning sign may encroach over the public sidewalk but not over any public street or alley. The sign must be a minimum of 2 feet inside the curb line or edge of pavement, whichever is greater.

E. Canopy Sign





Description

A sign attached to a canopy so that the display surface is parallel to the plane of the front building facade.

General Provisions

- A canopy sign cannot extend outside the overall length or width of the canopy. However, a canopy sign may extend above or below the canopy.
- Only canopies over ground story doors or windows may contain signs.
- A maximum of one sign is allowed per canopy.
- Raceways are permitted for signs extending below or above the canopy. Otherwise, raceways are not permitted and the sign must be flush with the canopy face.
- A canopy sign can be internally and externally illuminated in accordance with Sec. 4.4.L.

Total Sign Area Allocation

1 SF of sign area per linear foot of street-facing building facade or 30 SF if the frontage is less than 30 feet wide. This allocation includes area allocated for awning signs, canopy signs and wall signs.

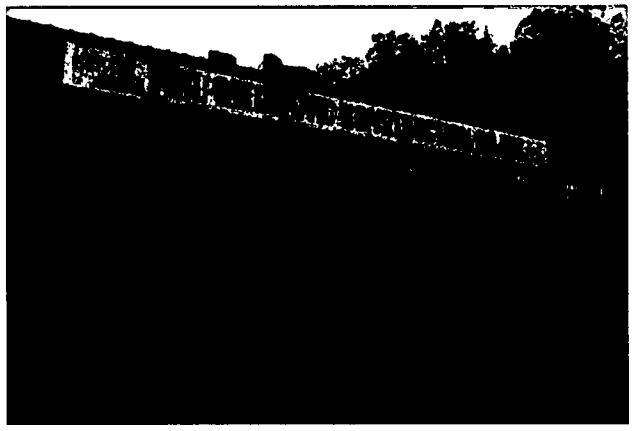
Dimensions

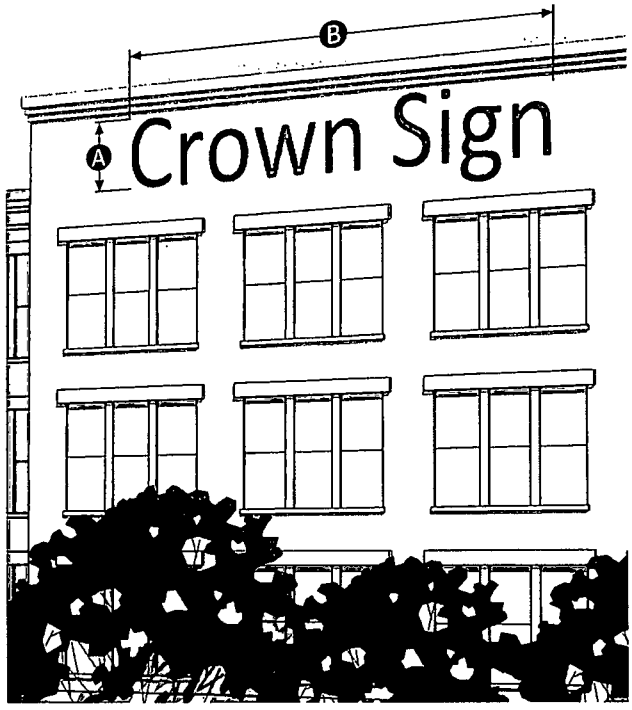
A	Size of individual sign (max)	9 SF
B	Height (max)	1'
C	Depth (max)	8"
D	Clear height above sidewalk (min)	9'
D	Clear height above parking area or driveway (min)	14'

Right-of-Way Encroachment

A canopy sign may encroach over the public sidewalk but not over any public street or alley. The sign must be a minimum of 2 feet inside the curb line or edge of pavement, whichever is greater.

F. Crown Sign





Description

A sign painted on the wall or surface of a building or structure, the display surface of which does not project from the outside wall of the building or structure and is located on the upper horizontal band of a building facade at least 4 stories in height.

General Provisions

- A crown sign is only allowed on building facades at least 4 stories in height.
- A crown sign cannot be placed below the start of highest floor and cannot extend above the roof line.
- The number of painted signs per building is unlimited, provided the maximum allowed sign are not exceeded.
- A crown sign cannot cover windows or architectural details.
- No more than 2 crown signs are allowed per building and no more than 1 crown sign per building facade is allowed.
- A crown sign can be externally illuminated in accordance with Sec. 4.4.L.

Total Sign Area Allocation

250 SF per street-facing building facade.

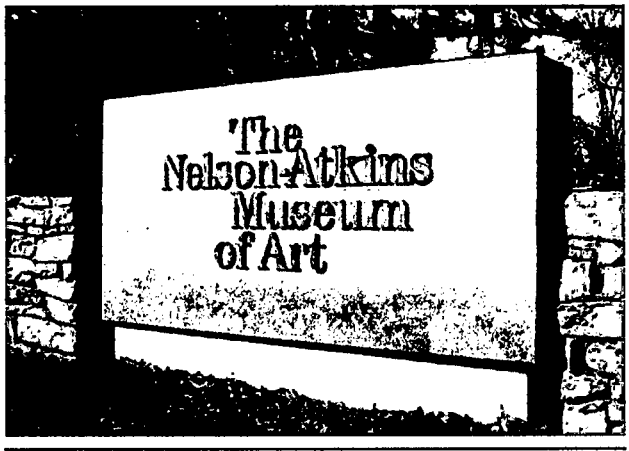
Dimensions

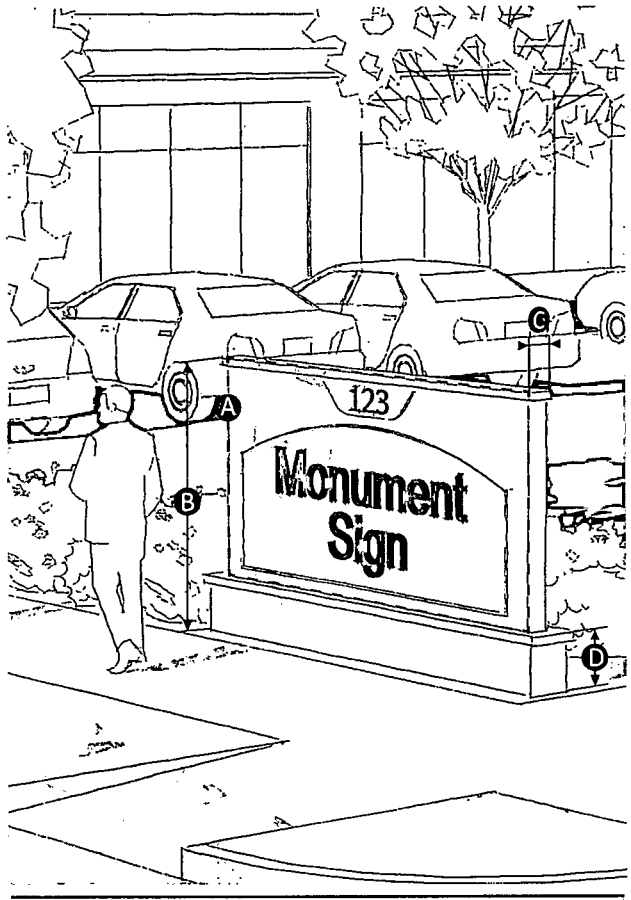
A	Height (max)	8'
	Projection - measured from building facade (max)	0'
B	Width (max % of facade width)	75%

Right-of-Way Encroachment

A crown sign cannot encroach into the public right-of-way.

G. Monument Sign





Description

A permanently affixed sign which is wholly independent of a building for support attached to the ground along its entire length.

General Provisions

» A monument sign must be set back at least 5 feet from the primary or side street lot line and 10 feet from a side interior lot line.
» A monument sign can be internally and externally illuminated in accordance with Sec. 4.4.L.

Total Sign Area Allocation

See Sec. 4.3.C.4

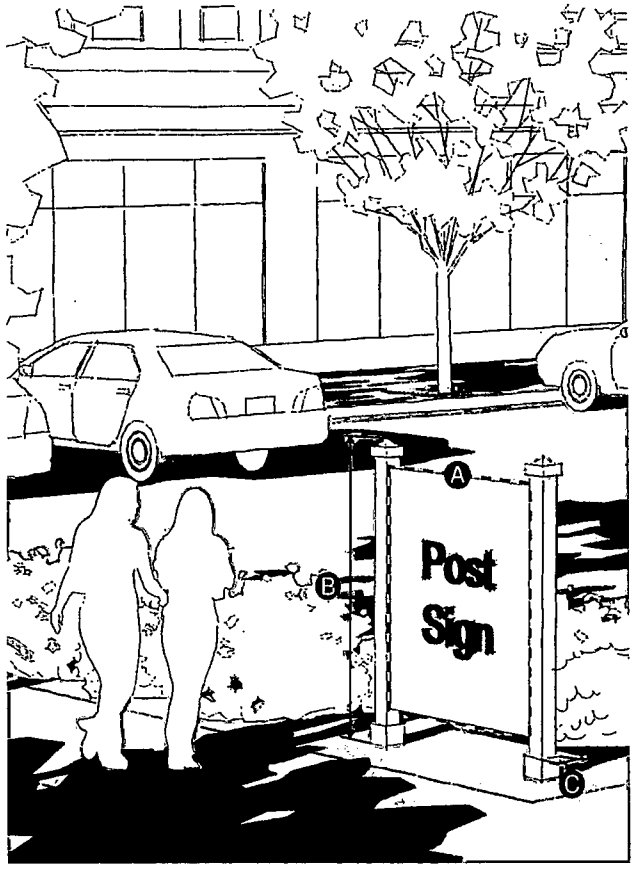
Dimensions

Ⓐ	Size of individual sign (max)	64 SF
Ⓑ	Height (max)	6'
Ⓒ	Depth (max)	2'
Ⓓ	Sign base height (min/max)	2'/4'

Right-of-Way Encroachment

A monument sign cannot encroach into the public right-of-way.

H. Post Sign



Description

A permanently affixed sign which is wholly independent of a building for support where the primary support is supplied by two posts positioned no more than 6 inches from the outer edge of the sign face.

General Provisions

- A post sign must be set back at least 5 feet from the primary or side street lot line and 10 feet from a side interior lot line.
- An existing post sign may replace the sign face, provided the maximum sign area requirements of this section are met.
- A post sign can be externally illuminated in accordance with Sec. 4.4.L.

Total Sign Area Allocation

See Sec. 4.3.C.4

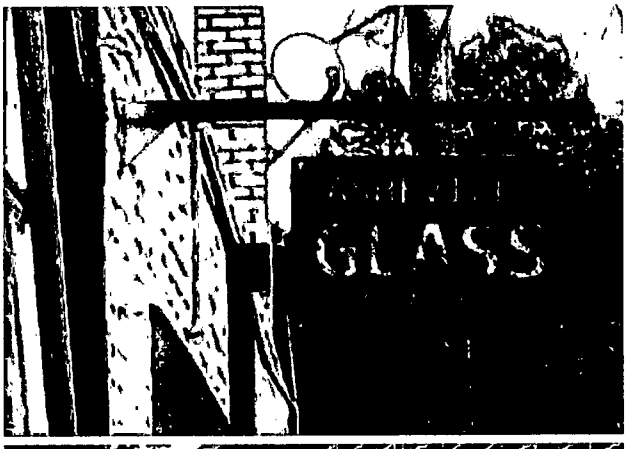
Dimensions

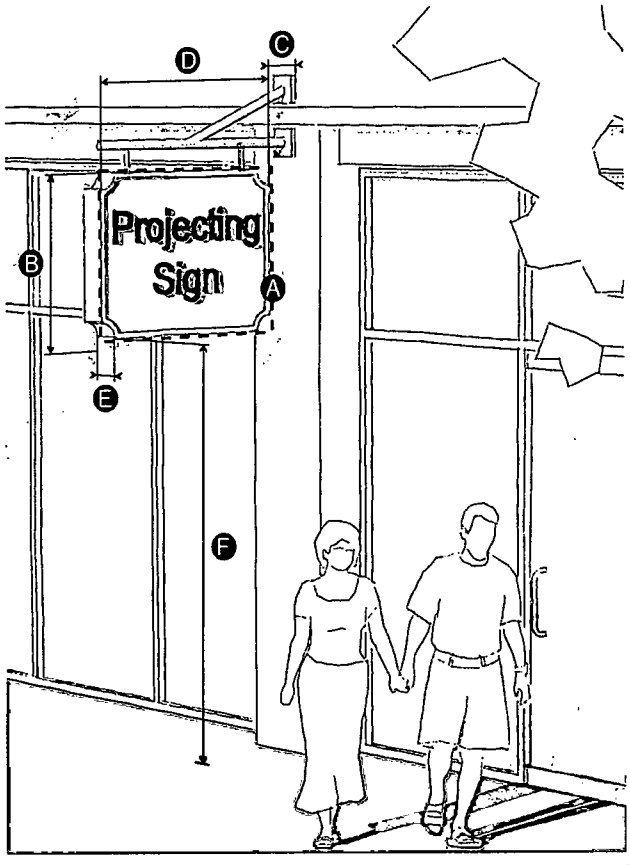
A	Height (max)	6'
B	Width (max)	6'
C	Depth (max)	1'

Right-of-Way Encroachment

A post sign cannot encroach into the public right-of-way.

I. Projecting Sign





Description

A sign attached to the building facade at a 90-degree angle that hangs from a bracket or support extending more than 1 foot from the outside wall of the building or structure.

General Provisions

- A projecting sign must be located below the window sills of the second story of building.
- A projecting sign cannot be internally illuminated.
- Projecting signs erected at the intersection of building corners when the building corner adjoins the intersection of two streets may intersect at a 45 degree angle at the corner of the building, in which case only one projecting sign is allowed (for that tenant).

Total Sign Area Allocation

1 projecting sign is allowed per ground floor tenant space.

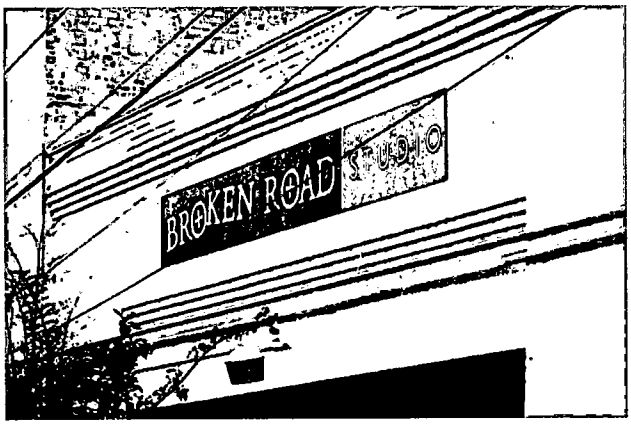
Dimensions

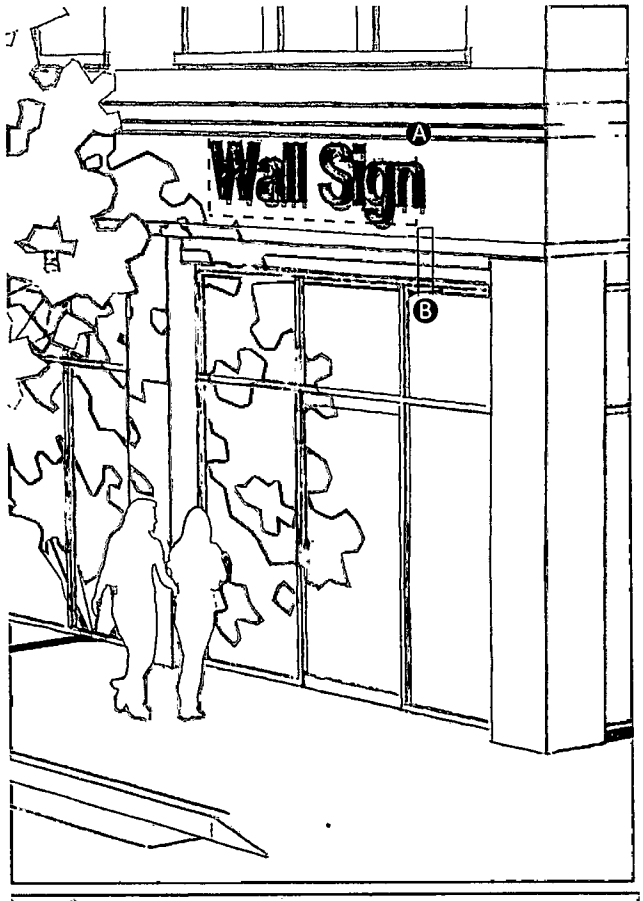
A	Size of individual sign (max)	9 SF
B	Height (max)	3'
C	Spacing from building facade (min/max)	6"/1'
D	Projection width (max)	3.5'
E	Depth (max)	6"
F	Clear height above sidewalk (min)	9'
F	Clear height above parking area or driveway (min)	14'

Right-of-Way Encroachment

A projecting sign may encroach over the public sidewalk but not over any public street or alley. The sign must be a minimum of 2 feet inside the curb line or edge of pavement, whichever is greater.

J. Wall Sign





Description

A sign attached to the wall or surface of a building or structure, the display surface of which does not project more than 1 foot from the outside wall of the building or structure.

General Provisions

- A wall sign must be placed no higher than 18 feet above the sidewalk.
- No portion of a wall sign may extend above the roof line or above a parapet wall of a building with a flat roof.
- A wall sign cannot cover windows or architectural details.
- A wall sign can be internally and externally illuminated in accordance with Sec. 4.4.L.

Total Sign Area Allocation

1 SF of sign area per linear foot of street-facing building facade or 30 SF if the frontage is less than 30 feet wide. This allocation includes area allocated for awning signs, canopy signs and wall signs.

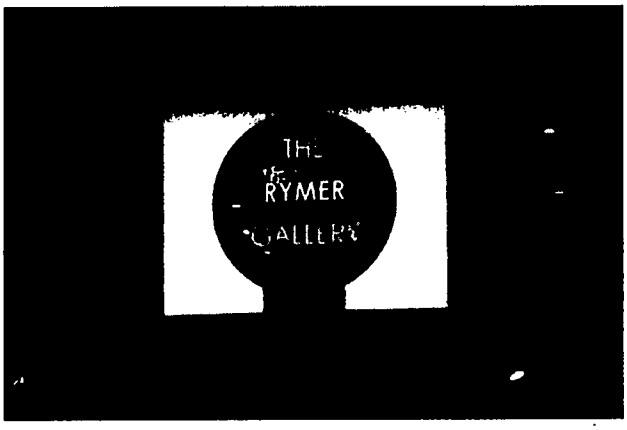
Dimensions

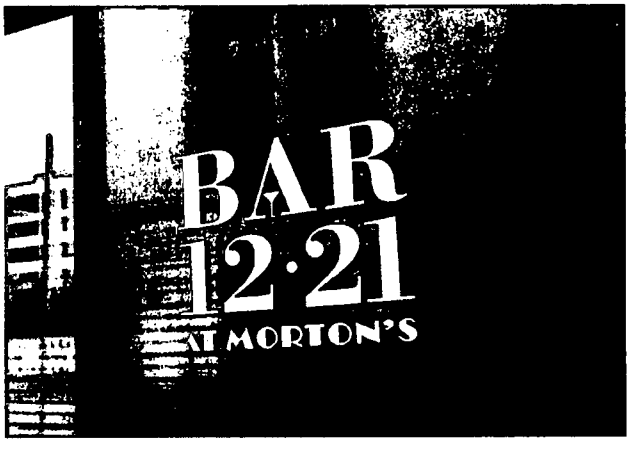
A	Size of individual sign (max)	
	RAD-RES	9 SF
	All other sub-districts	100 SF
B	Projection - measured from building facade (max)	1'

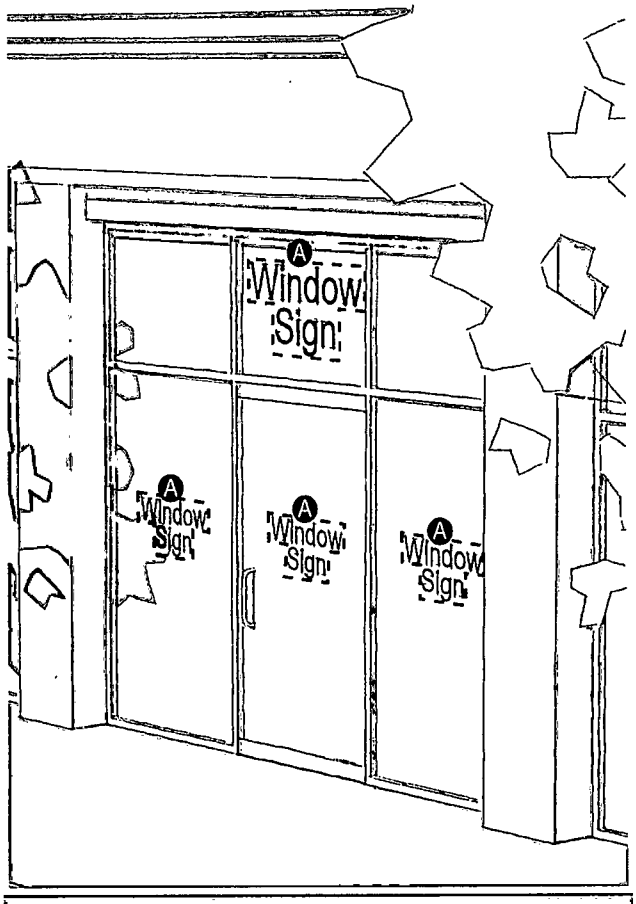
Right-of-Way Encroachment

A wall sign may encroach over the public sidewalk but not over any public street or alley.

K. Window Sign







Description

A sign affixed to the inside of a window or door, or a sign placed within a building so as to be plainly visible and legible through a window or door.

General Provisions

» Window signs are only allowed on ground story windows and doors.
» A window sign cannot be illuminated.

Total Sign Area Allocation

The number of window signs allowed is unlimited, provided the maximum percentage signs covering ground story windows and doors is not exceeded.

Dimensions

A	Maximum area of all ground story windows and doors covered by signs	20%

The maximum 20% coverage applies to both temporary and permanent signs, unless temporary signs placed in a window or door meets the requirements of § 7-13-4(a)(8)(b.)

Right-of-Way Encroachment

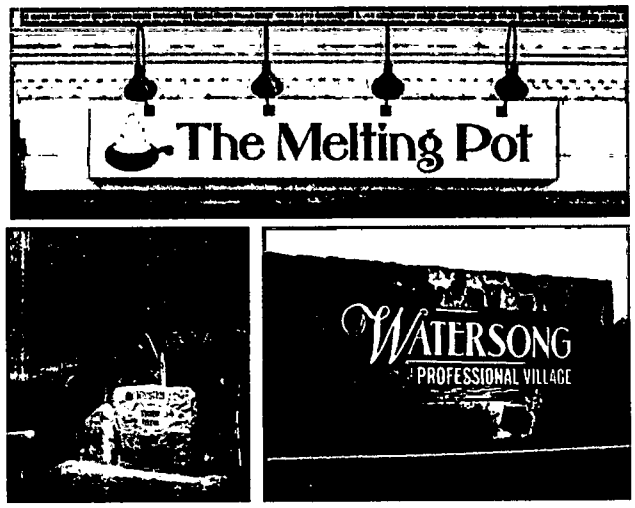
A window sign cannot encroach into the public right-of-way.

L. Illumination

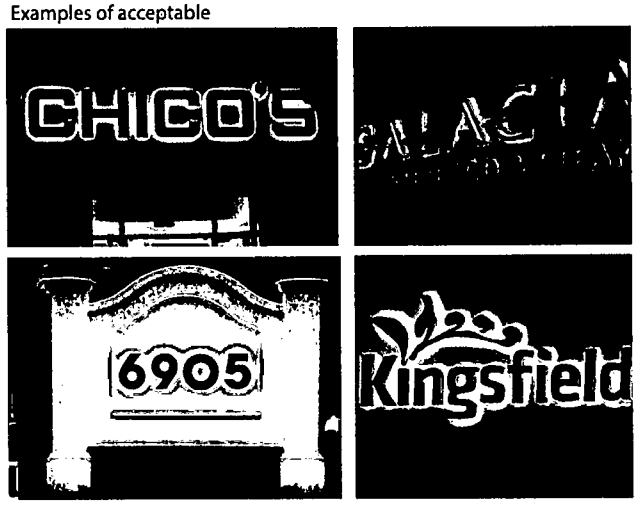
Illumination of signs must be in accordance with the following requirements.

1. Illumination Permitted by Sign Type

	Internal	External
A-Frame Sign	No	No
Awning Sign	No	No
Canopy Sign	Yes	Yes
Crown Sign	No	Yes
Monument Sign	Yes	Yes
Post Sign	No	No
Projecting Sign	No	No
Wall Sign	Yes	Yes
Window Sign	No	No



Examples of acceptable



Examples of acceptable reverse channel internally back-lit letters

2. Prohibited Light Sources
   a. Blinking, flashing and chasing.
   b. Bare bulb illumination.
   c. Colored lights used in any manner so as to be confused with or construed as traffic control devices.
   d. Direct reflected light that creates a hazard to operators of motor vehicles.
   e. Lights that outline property lines, sales areas, roof lines, doors, windows or similar areas are prohibited, except for seasonal lighting or very low luminosity lighting displays using multiple lamps.

3. External Illumination
   a. Lighting directed toward a sign must be shielded so that it illuminates only the face of the sign and does not shine directly onto public right-of-way or adjacent properties.
   b. Lighting fixtures must be directed downward rather than upward.
   c. Projecting light fixtures used for externally illuminated signs must be simple and unobtrusive in appearance and not obscure the sign.

4. Internal Illumination

   Reverse channel internally back-lit letters are allowed.

M. Applicability

The requirements of this section apply where merchandise, material or equipment is displayed outside of a completely enclosed building.

N. Outdoor Display

1. Defined

   a. The outdoor display of products actively available for sale. The outdoor placement of propane gas storage racks, ice storage bins, soft drink, video rentals or similar vending machines is considered outdoor display.

   b. Outdoor display does not include merchandise or material in boxes, in crates, on pallets or other kinds of shipping containers.

2. Standards

   a. Outdoor display is only allowed with a permitted ground floor nonresidential use.

   b. Outdoor display must abut the primary facade with the principal customer entrance, and may not extend more than 6 feet from the facade or occupy more than 25% of the horizontal length of the facade.

   c. Outdoor display cannot exceed 6 feet in height.

   d. Outdoor display must be removed and placed inside a fully-enclosed building at the end of each business day, except propane gas storage racks, ice storage bins, soft drink, video rentals or similar vending machines may remain outside overnight.

   e. Outdoor display may not encroach upon any public right-of-way or sidewalk. Outdoor display may not impair the ability of pedestrians to use the sidewalk. There must be a minimum of 6 feet of clear distance of sidewalk at all times.

A. UDO Administrative Procedures Apply

The administrative procedures of the City's Unified Development Ordinance (Chapter 7 of the Municipal Code) apply to the Urban Place Form District, except as expressly modified below.

B. Pre-Application Conference Required

A pre-application conference with the City is required prior to any application for approval in the Urban Place Form District.

6.0. DEFINITIONS

6.1. Defined Terms

A. General Meaning of Words and Terms

1. All words and terms used have their commonly accepted and ordinary meaning unless they are specifically defined in this Urban Place Form District or the context in which they are used clearly indicates to the contrary.
2. When vagueness or ambiguity is found to exist as to the meaning of any word or term used, any appropriate canon, maxim, principle or other technical rule of interpretations or construction used by the Courts of this State may be employed to resolve vagueness and ambiguity in language.

B. Graphics, Illustrations and Photographs

The graphics, illustrations and photographs used to visually explain certain provisions of the Urban Place Form Districts are for illustrative purposes only. Where there is a conflict between a graphic, illustration or photograph and the text, the text controls.

C. Defined Terms

The following terms are defined for the purpose of the Urban Place Form District. Terms not defined may be defined in § 7-2-5. In such case, the definition contained in § 7-2-5 applies.

Art Gallery means a facility that contains a room or series of rooms where works of art are exhibited on a regular basis.

Attic means habitable or uninhabitable space within a building situated within the structure of a pitched roof and above the uppermost regular story.

BFE means Base Flood Elevation.

Building Facade means the face of a building that delineates the edge of conditioned floor space.

Ground Floor means the floor of a building that is at or nearest to the level of the ground around the building. Does not include the floor of a basement.

Primary street is a street that functions as a dominant or essential street within the block, and may be understood as such by its prevalence on the corridor, network connectivity, accessibility due to topography, or otherwise as interpreted by the City. A primary street shall support pedestrians, maintain tree canopy, and accommodate vehicles without serving primarily as a parking area. There may be more than one primary street. A street without a building facing it shall not be considered a primary street.

Recreational Uses may include ancillary businesses or concessions related to the recreational uses and could include but not limited to uses such as bike rentals or other park concessions.

Upper Story means any story above the ground story or floor.

ORDINANCE NO. 4405 / 4905

ORDINANCE AMENDING ZONING FOR CERTAIN PROPERTIES LOCATED WITHIN THE CITY OF ASHEVILLE CORPORATE LIMITS

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, the Unified Development Ordinance (Chapter 7 of the City Code of Ordinances) specifies development standards and review processes for commercial development and associated zoning maps to refer to those districts; and

WHEREAS, this zoning map amendment for the Urban Place Form District aligns with City Council goals and other adopted goals and plans; and

WHEREAS, this zoning map amendment generally aligns with the Future Land Use Map (FLUM) of *Living Asheville - A Comprehensive Plan for our Future* with the exception of two parcels within the Bleachery Boulevard node which will be amended on the Future Land Use Map from Urban Corridor to Urban Center per Exhibits "C" and "D", which are attached hereto and made a part hereof.

WHEREAS, this proposed amendment is consistent with the *Living Asheville - A Comprehensive Plan for our Future* and is determined to be reasonable, and in the public interest for the following reasons:

> 1) encourages responsible growth; 2) increases mixed-use development along transit corridors; 3) improves urban design; 4) makes streets more walkable, comfortable and connected; 5) increases housing supply and encourages the development of affordable housing; and, 6) facilitates development that maximizes public benefit.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

The current zoning map of the City of Asheville be amended to modify the existing Urban Place zoning district. A copy of the official zoning map showing said areas is attached hereto as Exhibits "A01," "A02," "A03," "A04," "A1.1," "A1.2," " A1.3," "A1.4" and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed, to the extent of such conflict.

Section 5. The ordinances shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 6. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 28th day of September, 2021.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

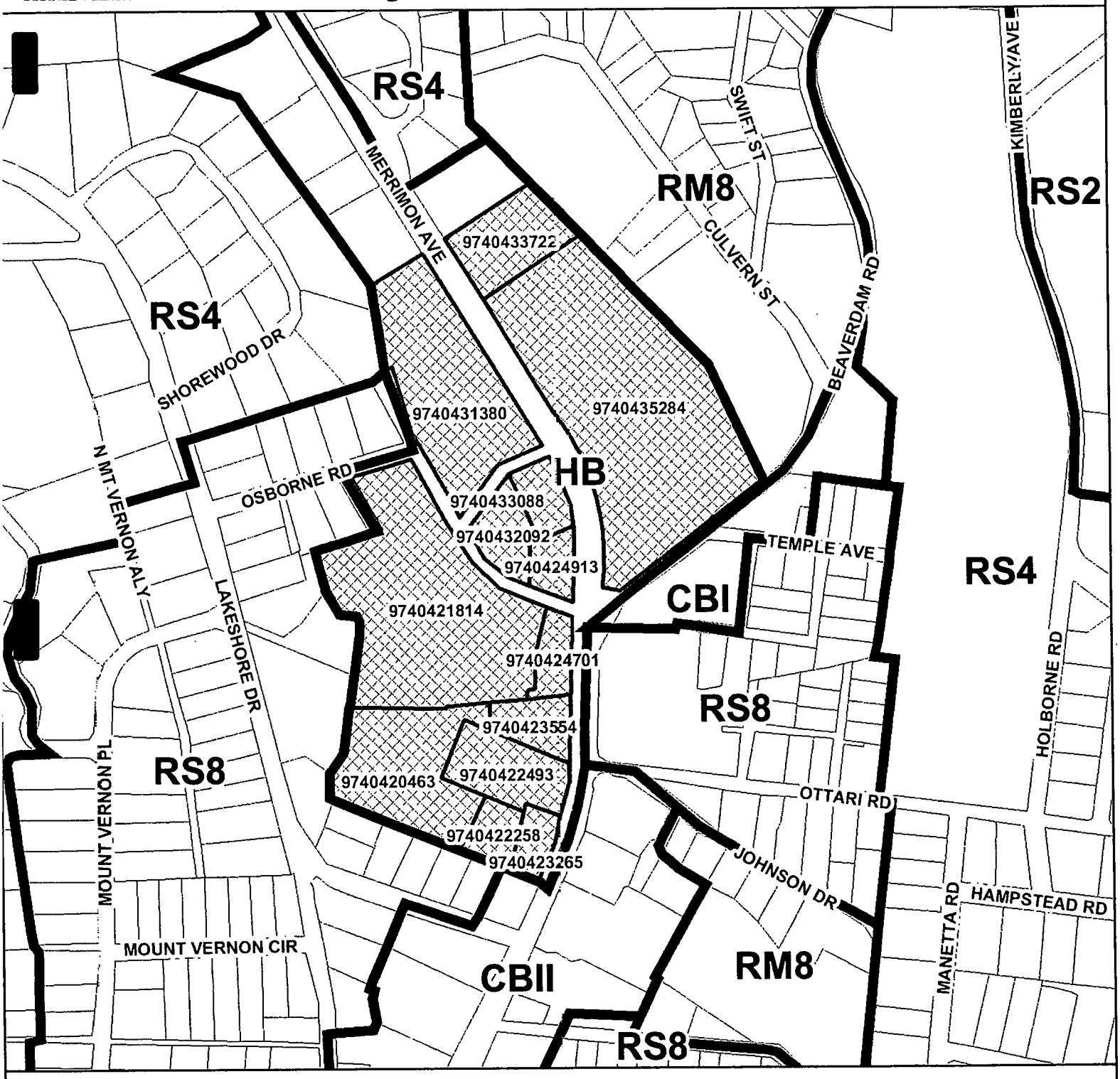
City Attorney

Magdalen Burleson
City Clerk

ASHEVILLE

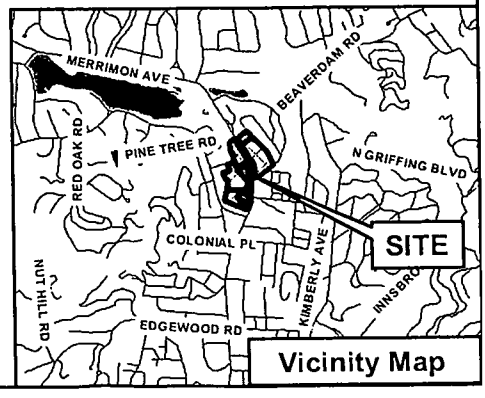
City of Asheville
Exhibit A01 Map - Existing Zoning
Rezoning Petition - Urban Centers Initiative

N W E S



Project Name: Urban Centers Initiative - Phase I
Project Number: 18 - 08832PZ
Project Description: Rezoning from HB to Urban Place Form (UP) district
[redacted]ioner(s): City of Asheville
[redacted]el ID Number(s): Various
[redacted]
Location/Address: Various

Project Site | Parcels | Asheville City Limits
Zoning Districts | Streets | River Areas



Vicinity Map

City of Asheville Planning and Urban Design Department - June 2021

474

City of Asheville
Exhibit A02 Map - Existing Zoning
Rezoning Petition - Urban Centers Initiative

ASHEVILLE

N W E S

OFFICE

NOT ZONED

LODG EXP

RB

RS2

RM6

OB

HB

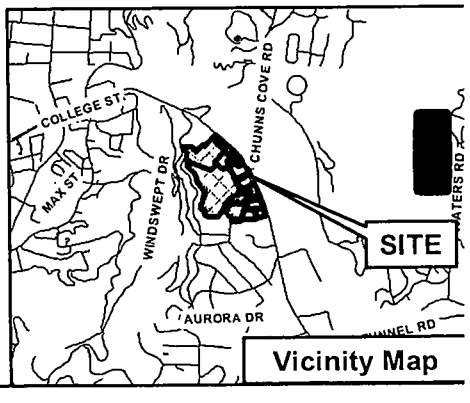
9649905652
9649907407
9649901347
9649908323
9649909234
9649909006
9658090861
9648993699
9658090644
9658092622
9648998454
9658092344
9648998138
9658091121
9658093155
9648988958

VANCE GAP RD
COLLEGE ST
N DELANO RD
DELANO RD
WAYSIDE RD
CUMMINS RD
CHUNNS COVE RD
TUNNEL RD
I240 E
TO TUNNEL RD

Project Name: Urban Centers Initiative - Phase I
Project Number: 18 - 08832PZ
Project Description: Rezoning from RB to Urban Place Form (UP) district
Petitioner(s): City of Asheville
Parcel ID Number(s): Various

Location/Address: Various

Project Site
Zoning Districts
Parcels
Streets
Asheville City Limits
River Areas



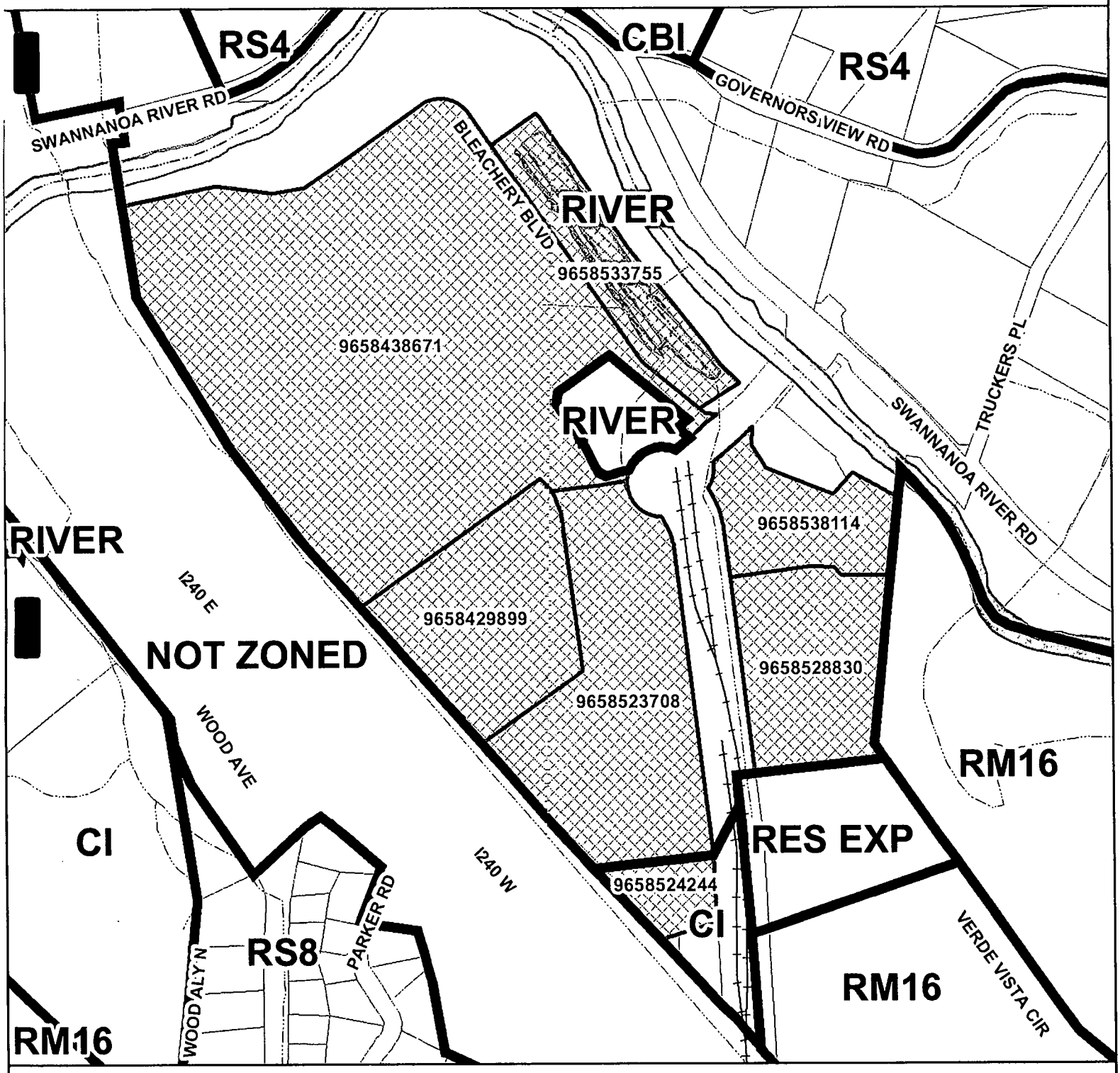
Vicinity Map

City of Asheville Planning and Urban Design Department - June 2021

ASHEVILLE

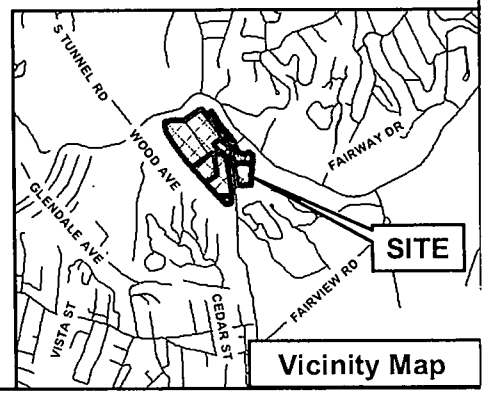
City of Asheville
Exhibit A03 Map - Existing Zoning
Rezoning Petition - Urban Centers Initiative

N W E S



Project Name: Urban Centers Initiative - Phase I
Project Number: 18 - 08832PZ
Project Description: Rezoning from RIV to Urban Place Form (UP) district
[redacted]ioner(s): City of Asheville
[redacted]el ID Number(s): Various
Location/Address: Various

Project Site
Zoning Districts
Parcels
Streets
Asheville City Limits
River Areas



Vicinity Map

City of Asheville Planning and Urban Design Department - June 2021

476

ASHEVILLE

City of Asheville
Exhibit A04 Map - Existing Zoning
Rezoning Petition - Urban Centers Initiative

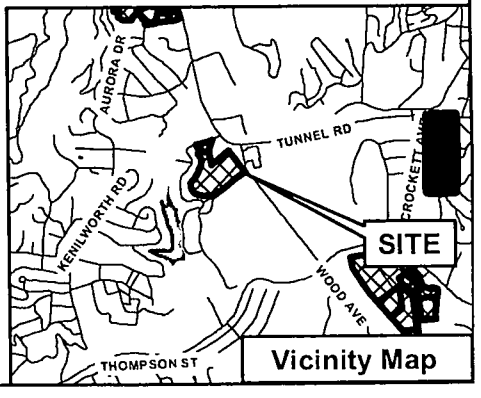
N W E S

RM8
HB
WHITE PINE DR
TUNNEL RD
NEW HAW CREEK LN
9658069381
BRACKETTOWN RD
SPRING PARK RD
9658152679
RB
S TUNNEL RD
RB
RS4
RS8
WHITE PINE CT
E SHORE DR

Project Name: Urban Centers Initiative - Phase I
Project Number: 21 - 05506PZ
Project Description: Rezoning from RB to Urban Place Form (UP) district
Petitioner(s): City of Asheville
Parcel ID Number(s): 9658152679, 9658069381

Location/Address: 7 Brackettown Rd, 1 S. Tunnel Rd

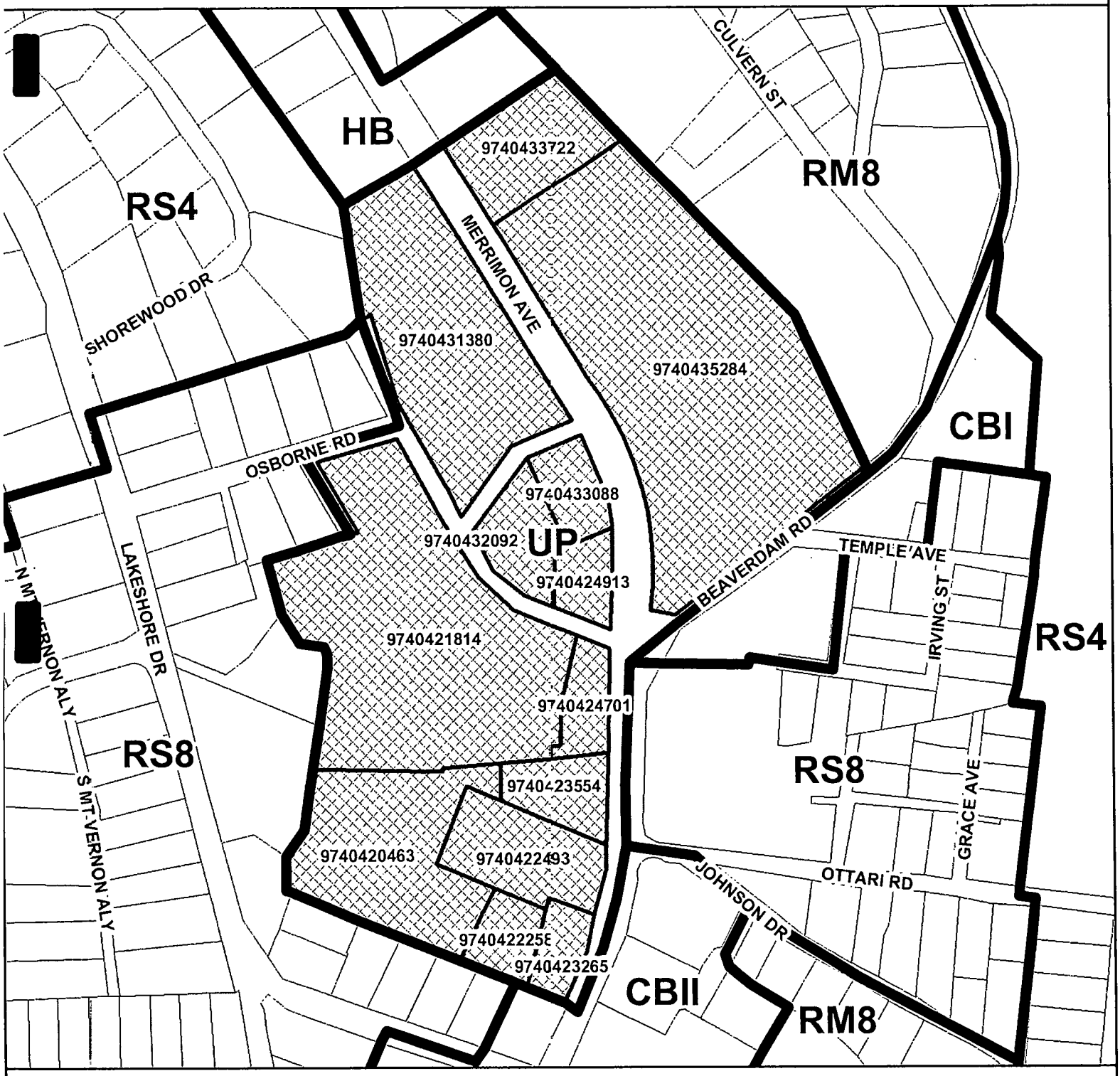
Project Site
Zoning Districts
Parcels
Streets
Asheville City Limits
River Areas



Vicinity Map

City of Asheville Planning and Urban Design Department - June 2021

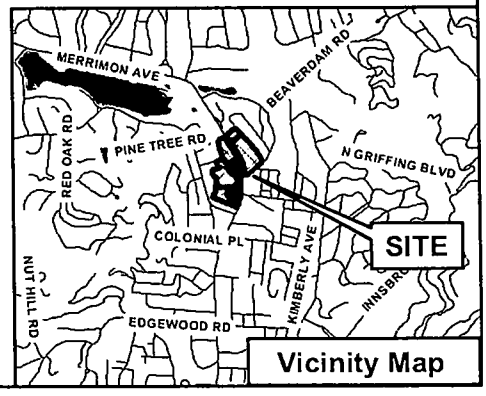
City of Asheville
Exhibit A1.1 Map - Proposed Zoning
Rezoning Petition - Urban Centers Initiative



Project Name: Urban Centers Initiative - Phase I
Project Number: 18 - 08832PZ
Project Description: Rezoning from HB to Urban Place Form (UP) district
Petitioner(s): City of Asheville
Parcel ID Number(s): Various

Location/Address: Various

Project Site | Parcels | Asheville City Limits
Zoning Districts | Streets | River Areas



City of Asheville Planning and Urban Design Department - June 2021

478

ASHEVILLE

City of Asheville
Exhibit A1.2 Map - Proposed Zoning
Rezoning Petition - Urban Centers Initiative

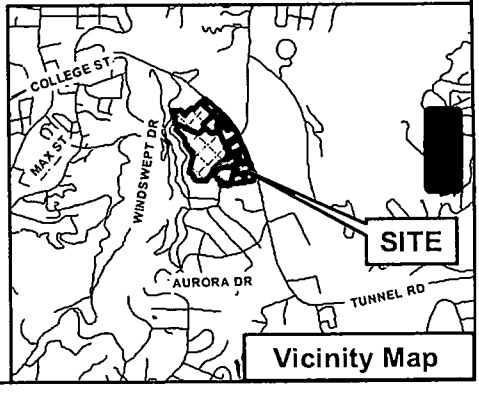
N W E S

OFFICE
VANCE GAP RD
COLLEGE ST
WINDSWEPT DR
N DELANO RD
DELANO RD
WAYSIDE RD
RS2
RM6
CUMMINS RD
RB
OB
HB
TUNNEL RD
X6 TO TUNNEL RD
I240 E
NOT ZONED
RB
LODG EXP
UP
9649905652
9649907407
9649908323
9649901347
9649909234
9649909006
9658090861
9648993699
9658090644
9658092622
9648998454
9658092344
9648998138
9658091121
9658093155
9648988958

Project Name: Urban Centers Initiative - Phase I
Project Number: 18 - 08832PZ
Project Description: Rezoning from RB to Urban Place Form (UP) district
Petitioner(s): City of Asheville
Parcel ID Number(s): Various

Location/Address: Various

Project Site
Zoning Districts
Parcels
Streets
Asheville City Limits
River Areas

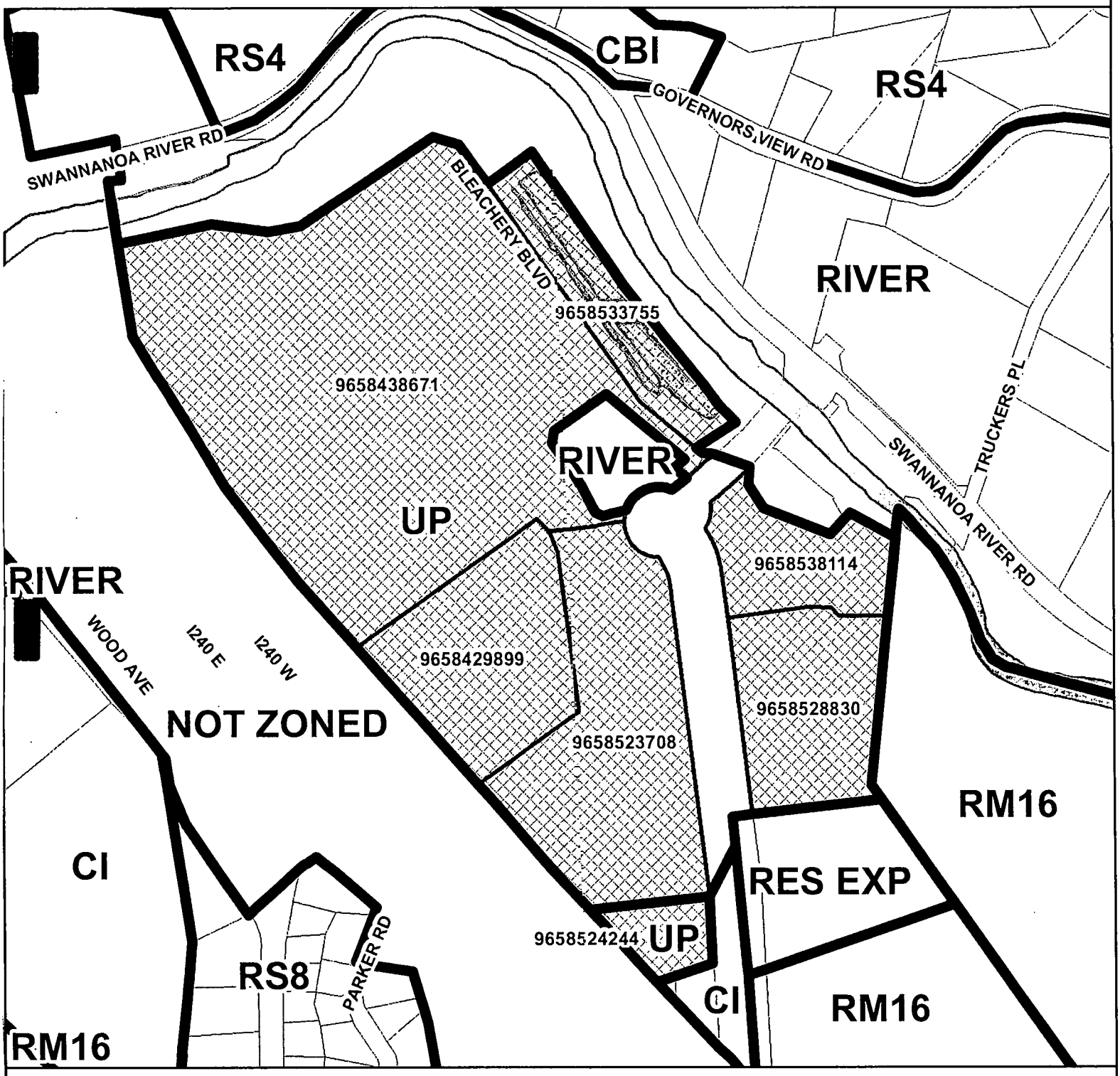


Vicinity Map

City of Asheville Planning and Urban Design Department - June 2021

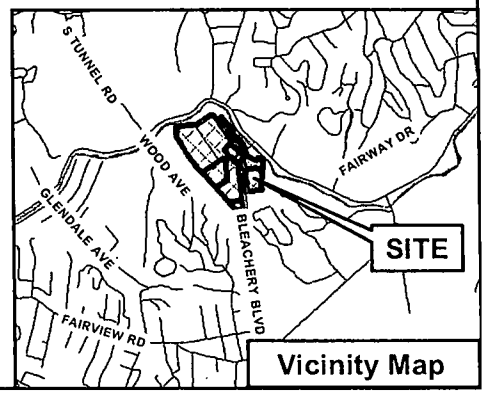
City of Asheville
Exhibit A1.3 Map - Proposed Zoning
Rezoning Petition - Urban Centers Initiative

479



Project Name: Urban Centers Initiative - Phase I
Project Number: 18 - 08832PZ
Project Description: Rezoning from RIV to Urban Place Form (UP) district
[redacted]ioner(s): City of Asheville
[redacted]el ID Number(s): Various
Location/Address: Various

Project Site
Zoning Districts
Parcels
Streets
Asheville City Limits
River Areas



Vicinity Map

City of Asheville Planning and Urban Design Department - June 2021

480

ASHEVILLE

City of Asheville
Exhibit A1.4 Map - Proposed Zoning
Rezoning Petition - Urban Centers Initiative

N W E S

RM8

HB

BUCKSTONE PL

WHITE PINE DR

TUNNEL RD

NEW HAW CREEK LN

9658069381

BRACKETTOWN RD

SPRING PARK RD

9658152679

UP

RS4

S TUNNEL RD

RB

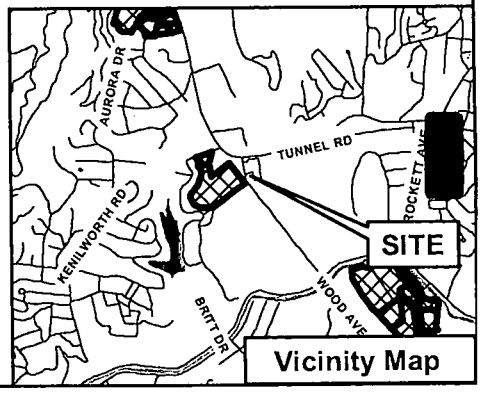
RB

WHITE PINE CT

E SHORE DR

Project Name:	Urban Centers Initiative - Phase I
Project Number:	21 - 05506PZ
Project Description:	Rezoning from RB to Urban Place Form (UP) district
Petitioner(s):	City of Asheville
Parcel ID Number(s):	9658152679, 9658069381
Location/Address:	7 Brackettown Rd, 1 S. Tunnel Rd

Project Site
Zoning Districts
Parcels
Streets
Asheville City Limits
River Areas



Vicinity Map

City of Asheville Planning and Urban Design Department - June 2021

ORDINANCE NO. 4406 /4906

ORDINANCE ESTABLISHING CONDITIONAL ZONING FOR PROPERTY LOCATED AT 70 MILLS GAP ROAD

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this proposed amendment is consistent with the *Living Asheville - A Comprehensive Plan for our Future* and is determined to be reasonable, and in the public interest for the following reasons:

a) Protects sensitive steep slopes by preserving large, natural open space areas;
b) Locates a variety of housing types in a rapidly urbanizing area that is moderately well connected, and,
c) Provides housing that is affordable to a range of income levels, including a percentage of homes affordable to those earning at or below 80% AMI.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

The zoning classification of that certain real property described in Exhibit A and identified on Buncombe County tax maps as PIN 9655-45-6682, and recorded in Deed Book 4796, Page 1579, and currently owned by Amcor Flexibles Inc., Industrial (IND) and Residential Single-family, Low Density (RS2) to Residential Expansion - Conditional Zone (RES EXP - CZ). A copy of the official zoning map showing said lots is attached hereto as Exhibit "A.1" and made a part hereof. Said rezoning is subject to the conditions set out in Exhibit "F", and substantially compliant with the site plan(s) and elevations as shown on Exhibit E attached hereto and made a part hereof.

482

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. The ordinances shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 5. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 28th day of September, 2021.

Magdalen Burleson
City Clerk

Esther G. Manheimer
Mayor

Approved as to form:

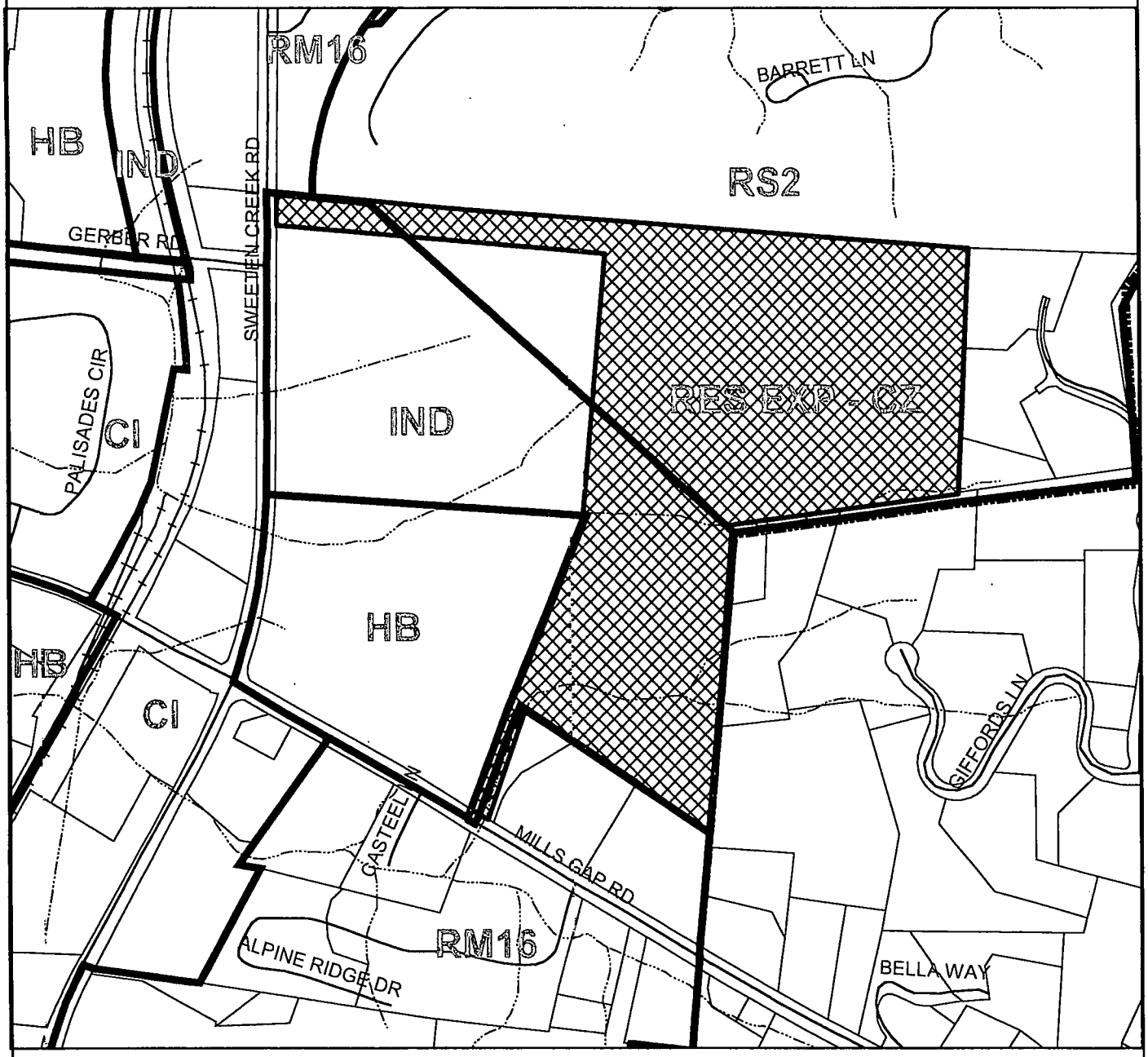
City Attorney

Magdalen Burleson
City Clerk

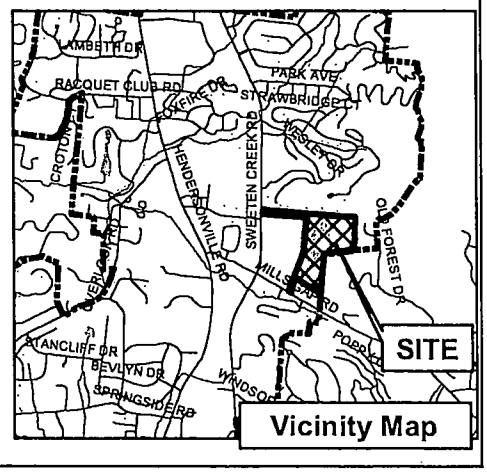
ASHEVILLE

City of Asheville
Exhibit A1 Map - Proposed Zoning
Conditional Rezoning Petition - 70 Mills Gap Rd.

N W E S



Project Name:	Mills Gap Subdivision
Project Number:	21 - 00537 PZ
Project Description:	CZ from IND/RS2 to RES EXP CZ
Petitioner(s):	Daniel Hyatt
Parcel ID Number(s):	9655-45-6682
Location/Address:	70 Mills Gap Rd.



Vicinity Map

Project Site
Zoning Districts
Parcels
Streets
Asheville City Limits
River Areas

City of Asheville Planning and Urban Design Department - February 2020

EXHIBIT F
Project Conditions | 70 Mills Gap Rd. Subdivision

1. The zoning for the parcel located at 70 Mills Gap Road (PIN 9655-45-6682) is zoned Residential Expansion – Conditional Zone (RES EXP - CZ). The property is 34.5 acres in total.

2. The approval is for a residential development with 51 single-family lots each measuring a minimum of 48' wide and 76' long and containing 3,648 square feet minimum, along with 22 attached single-family townhomes. The remaining land beyond the individual lots will be community owned.

3. The applicant will construct a new 22' wide road with curb and gutter, sidewalk, and planting strip all within a dedicated 50' right-of-way. Roads will be for public use but privately maintained.

4. The applicant will construct a private water system with a pumping station.

5. Should it be determined that the NC Fire Code requires that a 20' paved secondary emergency apparatus access road with a 30' wide dedicated right-of-way be provided, one shall be constructed and connect through the adjacent property located at 3055 Sweeten Creek Rd. Access will be gated and siren activated.

6. Sidewalks shall be constructed throughout the project and will be either 6' back of curb sidewalk or a standard 5' sidewalk with a 5' planting strip as shown on the approved plan.

7. Slopes will be graded and revegetated with a maximum gradient of 2:1. Several retaining walls will be constructed with maximum heights ranging from 9-25'.

8. On-site disturbance is limited to 11.5 acres (33.3% of the site) and will be concentrated on the lower end of the property. The remaining 23 acres will remain undisturbed with existing vegetation preserved as protected open space and tree canopy preservation.

9. Approximately 7,600 square feet of community open space with a pavilion, or similar community recreational amenities, will be constructed.

10. The community homeowner association will be responsible for the maintenance of the open space, retaining walls, sidewalks, roads and all utility infrastructure.

11. The applicant has committed to offer five (5) of the completed homes for sale to individuals or families making no more than 80% of Area Median Income (AMI), deed restricted for at least 15 years, with the City of Asheville having the right of first refusal to repurchase the homes at a price equal to a 2.5% annual gain and re-sell them to another

qualifying individual or family. The City will provide the affordable housing deed restriction to the Applicant/Owner. The deed restriction shall be filed and recorded by the Applicant/Property Owner in the Buncombe County Register of Deeds Office prior to, and as a condition of, the Project receivings final zoning permit.

12. Modifications are required for the following:
    a. Land disturbance/grading – project will exceed steep slope grading limits of 10.35 acres (30% of site) - see condition #8.
    b. Sections of sidewalk will be 6' wide, back of curb.

13. The building design, site design, construction materials, and orientation on site must substantially comply with the site plan which is incorporated herein by reference and the final approved site plan that is incorporated into the zoning permit. Any major deviations from these plans will require reconsideration of the project by the reviewing boards.

14. All legally required local, state, and federal permits and approvals must be obtained prior to initiation of construction and any pertinent legal requirements shall be met.

15. The conditional zoning will be valid for two years from the date of approval by City Council with grading permits applied for within this 24-month period.

Agreed to and Accepted this 28th Day of September, 2021 by the Property Owner/Applicant:

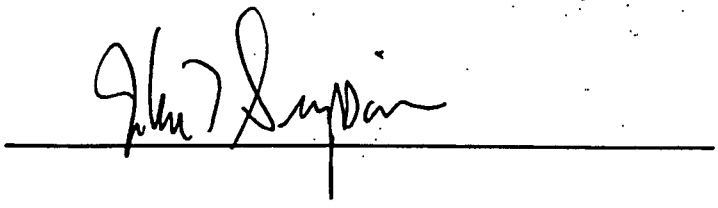
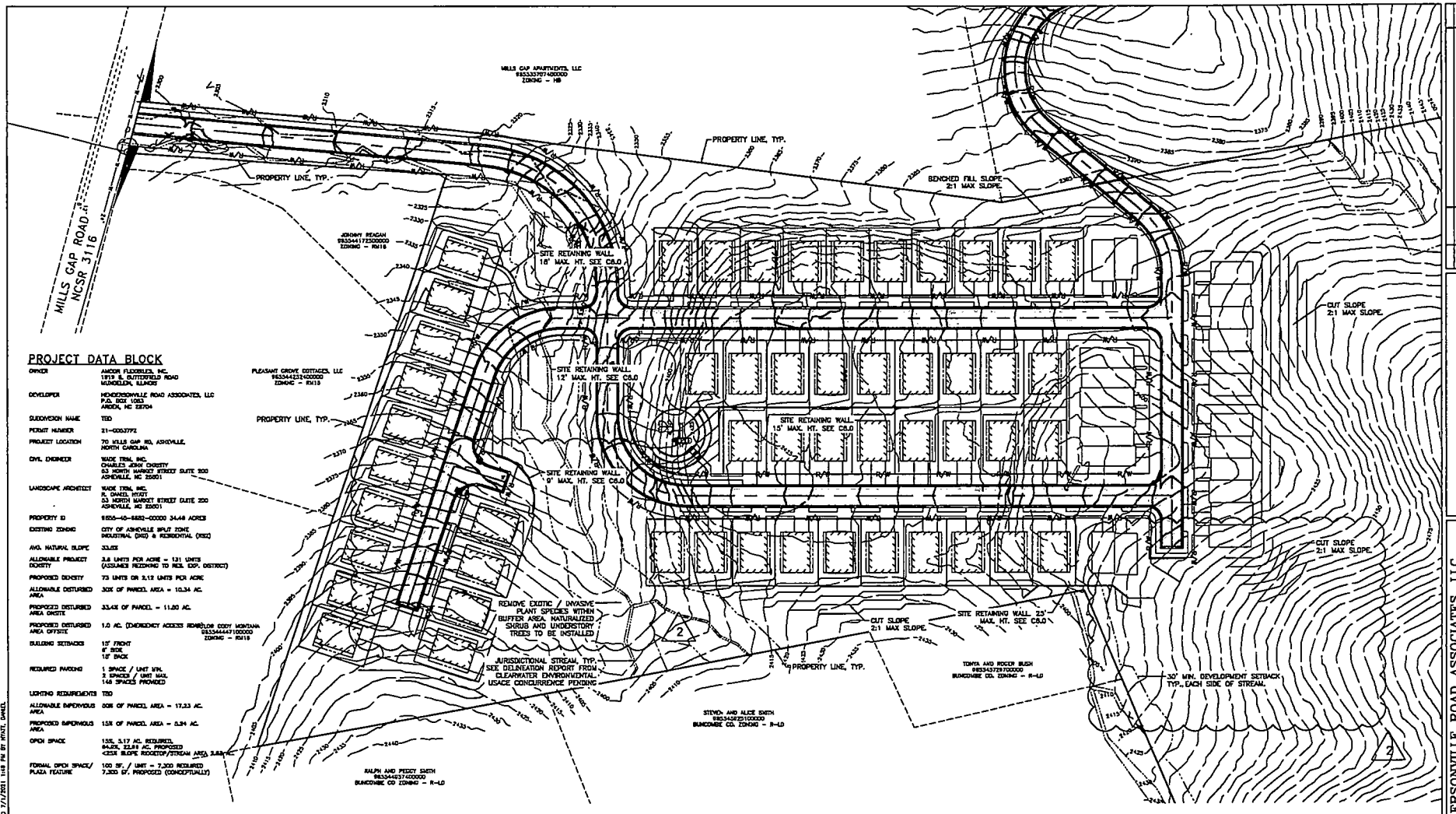
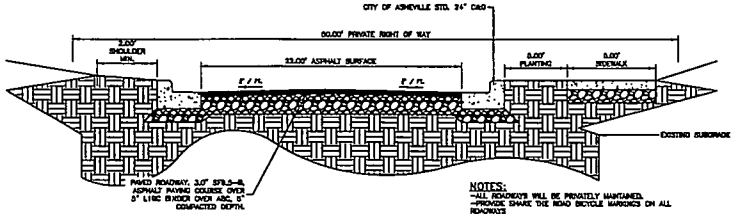


Exhibit E



PROJECT DATA BLOCK

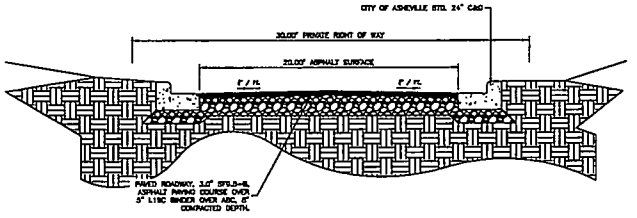
OWNER	AMCOR FLEXIBLES, INC. 1819 & BUTTERFIELD ROAD WUNDELEIN, ILLINOIS
DEVELOPER	HENDERSONVILLE ROAD ASSOCIATES, LLC P.O. BOX 1063 ARDEN, NC 28704
SUBDIVISION NAME	TBD
PERMIT NUMBER	21-0057792
PROJECT LOCATION	70 MILLS GAP RD, ASHEVILLE, NORTH CAROLINA
CIVIL ENGINEER	WADE TRIM, INC. CHARLES JOHN CHRISTY 53 NORTH MARKET STREET SUITE 200 ASHEVILLE, NC 28801
LANDSCAPE ARCHITECT	WADE TRIM, INC. R. DANIEL HYOTT 53 NORTH MARKET STREET SUITE 200 ASHEVILLE, NC 28801
PROPERTY ID	9655-40-6682-00000 34.48 ACRES
EXISTING ZONING	CITY OF ASHEVILLE SPLIT ZONE INDUSTRIAL (IND) & RESIDENTIAL (RS2)
AVG. NATURAL SLOPE	33.0%
ALLOWABLE PROJECT DENSITY	3.8 UNITS PER ACRE = 131 UNITS (ASSUMES REZONING TO RES. EXP. DISTRICT)
PROPOSED DENSITY	73 UNITS OR 2.12 UNITS PER ACRE
ALLOWABLE DISTURBED AREA	30% OF PARCEL AREA = 10.34 AC.
PROPOSED DISTURBED AREA ONSITE	33.4% OF PARCEL = 11.20 AC.
PROPOSED DISTURBED AREA OFFSITE	1.0 AC. (EMERGENCY ACCESS REMEDIOR CODY MONTANA 9635444471000000 ZONING - RS18
BUILDING SETBACKS	15' FRONT 8' SIDE 15' SIDE
REQUIRED PARKING	1 SPACE / UNIT MIN. 2 SPACES / UNIT MAX. 146 SPACES PROVIDED
LIGHTING REQUIREMENTS	TBD
ALLOWABLE IMPERVIOUS AREA	50% OF PARCEL AREA = 17.23 AC.
PROPOSED IMPERVIOUS AREA	15% OF PARCEL AREA = 5.34 AC.
OPEN SPACE	15%, 5.17 AC. REQUIRED, 64.5%, 22.24 AC. PROPOSED <25% SLOPE ROOFTOP/STREAM AREA 2.88 AC.
FORMAL OPEN SPACE/ PLAZA FEATURE	100 SF. / UNIT = 7,300 REQUIRED 7,300 SF. PROPOSED (CONCEPTUALLY)



TYPICAL SECTION: INTERIOR ROADWAY

SCALED NOT TO SCALE

NOTES:
- ALL ROADWAYS WILL BE PRIVATELY MAINTAINED.
- PROVIDE SHARE THE ROAD BICYCLE MARKINGS ON ALL ROADWAYS



TYPICAL SECTION: ALT EMERGENCY ACCESS

SCALED NOT TO SCALE

N

50 25 0 50 100

SCALE IN FEET

811 Know what's below. Call before you dig.

PROJECT MANAGER:
C:\VPA_PROJECTS\TRIM\COMMERCIAL REV 2021\C3.DWG - CLD - PLOTTED 7/12/2021 1:14 PM BY RYATT, DANIEL
FIELD BOOK INFORMATION:

REV	DATE	DESCRIPTION	FROM	TO	BY
2	06/29/21	UNIT / DISTURBED AREA REDUCTION			
1	03/17/21	TRC REVIEW COMMENTS			

WADE TRIM

HENDERSONVILLE ROAD ASSOCIATES, LLC
70 MILLS GAP ROAD
CONDITIONAL ZONING APPLICATION PACKAGE

CONCEPTUAL SITE GRADING PLAN

ISSUED FOR:	DATE:	BY:
CZ REVIEW	03/26/21	
TRC RESUB	03/30/21	
P&Z RESUB	05/21/21	
COUNCIL	06/29/21	

SINGLE FAMILY SUBDIVISION

JOB NO. SIM2010.02A

SHEET C3.0

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486

Department of Natural and Cultural Resources
Division of Archives and Records
Collections Services Section

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CITY OF ASHEVILLE, CITY COUNCIL, ORDINANCES MINUTES

The records begin with:

VOLUME: 31 DATE: NOVEMBER 8 2016 PAGE: 0-2016-4531

and end with:

VOLUME: 33 DATE: September 28, 2021 PAGE: 0-2021-4906

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